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Link(s) to article on publisher's website:

<http://dx.doi.org/doi:10.21954/ou.ro.0000fce5>

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BRIDGING GAPS: CARE, RIGHTS AND VIRTUE

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A thesis submitted in partial fulfilment of the requirements of the Open University
for the degree of Master of Philosophy

July 2000

Central European University, Budapest

SUBMISSION DATE: 11 DEC 2000
AWARD DATE: 24 APRIL 2001

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Introduction

Two Moral Voices

The aim of this paper is to argue that the ethic of care and an ethics conceptualised in terms of rights are complementary approaches, which can be integrated into the same ethical discourse. The starting point of the analysis will be the observation that the language and the content of morality can not be reduced to rights. Departing from the experience of being sensitive towards others as a daily component of women's moral life, and noticing the impossibility of translating this experience into the language of rights, feminists have claimed that the standards of moral maturity which function in our society (i.e. the ability to formulate moral dilemmas in terms of rights and duties¹) are an expression of a masculine way of conceiving morality and, as a result, deprive women of the status of full moral agency.

This discussion begun not as a philosophical debate, but in the field of psychology. Here, the work of Carol Gilligan brought into focus two different ways of conceptualising morality - one in terms of principles and rights, the other in terms of needs, care and relationships. Gilligan argued that men and women have different ways of conceptualising morality. This difference is present both in the course of their moral development and during their adult life. While boys and men tend to explain their moral choices in terms of *rights* and *duties*, girls and women refer instead to *needs* and

¹ This standard of maturity has been proposed by Kohlberg's. For his theory of moral development, and its criticism see Gilligan's book *In a Different Voice*

relationships. The fact that mainstream psychology took the discourse of rights and duties as a norm of morality is due, in Gilligan's view, to two methodological errors: the exclusion of women and girls as subjects of inquiry; and a tendency to judge them by standards derived from men's experience.

Gilligan developed her account by criticising the work of Lawrence Kohlberg, whose theory of moral development identifies six stages of moral development, the higher ones (the stages of maturity) being reached when the subject is able to discuss moral choices in terms of rights and duties. Since the standards of moral maturity are derived from empirical research, and since women's "voices" are different from men's, the inclusion of women in the psychological samples would challenge the current understanding of moral maturity. Gilligan's conclusion is that our moral experience cannot be entirely expressed in the language of rights and duties. There is another language, as legitimate as the first, in which *care* is the keyword. Moral maturity has to be judged in relation to both standards (the ethic of rights and the ethic of care), which are not contradictory, but complementary.

A special problem relating to Gilligan's work is the question of how the self is understood and how the person lying behind moral arguments is represented. She claims (together with other feminist psychologists such as Nancy Chodorow) that women conceive themselves mostly in terms of relationships with others, while men define themselves as autonomous beings. This is true both of the way people represent themselves, and of the way society perceives them. This psychological reality, associated with the normative ideal of autonomy and independence nourished by our culture, leads to the marginalisation of women, who often find themselves choosing to sacrifice either

autonomy (and therefore be less 'human') or relationships (being less of a 'woman').

Gilligan advocates an interpretation of identity in which *"both sexes contain and infuse one another"* by *mixing inner and outer worlds*, so that personal identity is, as it should be, a trade-off between autonomy and relationships. The strongest argument in favour of this view is that relationships are a necessary pre-condition of any kind of knowledge. Our knowledge of the world and of ourselves is only possible as long as we are embedded in a web of relationships with other people. The emphasis she places on intersubjectivity explains why Gilligan refers to our "voices" instead of our "selves". "Voice" suggests relationship, while "self" is traditionally associated with autonomy and clear boundaries.

Gilligan also argues that the gap between hypothetical ethical dilemmas and real human problems has never been wider than it is nowadays. Reducing morality to matters of rights and principles does not give a proper account of what is going on in the field of morality, where people's reasoning often appeals to care, needs and significant relationships. She suggests that in order to fill this gap we need a new language of morality, a re-conceptualisation of moral life.

The last decades have witnessed the growth of a literature which attempts to conceptualise care and its implications for ethics. In this essay I aim to move this conceptualisation forward, by locating care within morality, and explaining its relation to rights and virtue.

While the tension between care and rights is widely discussed in various fields such as psychology or political science, I shall approach it from a philosophical point of view. The main problems and arguments in focus will be those specific to an ethical

discussion; however, I will use the suggestions and results coming from the field of the psychology of moral development and moral life. The types of questions regarding the ethic of care which will not be addressed by the present paper concern the strategic aspects of Gilligan's theory, as well as the factual assumption that women possess a stronger inclination to define themselves through relationships than do men. The first of these issues is pragmatic rather than philosophical. One might claim that a positive evaluation of the ethic of care will eventually harm feminist values by encouraging women to cultivate the existing, harmful status quo. Since women are the main caretakers in our society, and since this position puts an extra burden on their shoulders, arguing in favour of care may be used to justify women's oppression.

The second criticism, which denies that the experience of care is essentially feminine, is a psychological one. My approach will work with the assumption that care, as a disposition, can be learned by both women and men. This assumption will lead to the important conclusion that the ethic of care is as universalist as an ethics centred on justice. An important issue related to the ethic of care is, therefore, to which extent it is gendered.

How Gendered is the Problem?

At a first sight, the gendered character of the ethic of care seems obvious: the concept of care has been developed by feminist psychologists and philosophers, who took as a starting point the moral experience of girls and women. Women's morality, as well

as their moral development, they claim, is structurally different than that of men. As I have mentioned above, some authors have denied that care and relational identity are intrinsic to women's experience. These arguments have taken two forms. On the one hand, liberals such as Susan Moller Okin have argued that, by their nature, men are as prepared to understand and live the ethical experience of care as are women. Elaborating this claim, Okin proposes an interpretation of Rawlsian theory which incorporates care as a value informing politics. In the original position, Rawls argues, people choose the principles of justice without giving any special weight to their own position and values, which are concealed behind the veil of ignorance. This impartiality, Okin claims, can also be translated and justified in terms of care: people in the original position are impartial because they *care* equally for all members of society (see Okin, 1990). From this perspective, Gilligan's thought might appear essentialist. However, this would be a misinterpretation of Gilligan, who explicitly claims that the ethic of care and the ethic of rights should be recognised as complementary and should be observed by both sexes.

On the other hand, Gilligan has been criticised by radical feminists for being too much indebted to an over-universalistic view, which fails to take account of the differences among women of different races, classes or sexual orientations. Not only is woman's moral 'voice' different from that of men. There is in fact no such thing as *one* woman's moral 'voice'. Rather, women have several moral voices, shaped by their specific identities as black women, for example, or as women belonging to the working class.

My own position avoids these criticisms in the following way. I agree, with liberal feminists such as Okin, and with Gilligan herself, that care is a value that can and should

be practised by both men and women. The best explanation for the traditional association between women and care is, I assume, historical². While that most of the situations in which care is relevant involve relationships between family members or friends, there are reasons to presuppose that the language of rights has been developed in mass society, or at least in a societies where the public sphere is so large that "the other" is, paradigmatically, a stranger. This does not imply that any public sphere would be bound to adopt a language of rights³, although once we allow that there is a connection between mass society and a language of rights and duties to regulate relationships among strangers, we commit ourselves to the presumption that, since we are still living in mass-societies, an ethic of rights has a certain legitimacy. The problem then is to defend a non-reductionist ethics, and to construct a framework that allows the co-existence of an ethic of rights and an ethic of care.

I will therefore reject the claim that care ethics is, as a matter of principle, gendered. At the same time, however, I shall depart from Okin's view that care can be unproblematically integrated in a liberal theory of justice such as the one developed by Rawls. At several stages of my argument I shall point to differences in the assumptions made by care ethics on the one hand, and by Rawlsian theory on the other.

The Structure of the Chapters

In the opening chapter, I shall discuss a range of existing debates which bear on the place of care within an ethical theory and I shall set out what I take to be an

² This is also the explanation proposed by Joan Tronto in her book *Moral Boundaries*

³ It is interesting to observe, in this context, that ancient Greeks did not have the concepts of rights, even if some of them have known a flourishing political life. Why didn't the Athenians understood their political relationships in terms of rights, and how comes that the concept is known only by modern languages ? (But

acceptable starting-point from which to develop my position. To begin with, in section one I shall survey and assess different ways of defining the notion of care. Some authors, such as Joan Tronto's, identify it with a sum of practices. Others, such as Peta Bowden or Susan Heckman, deny the possibility of taking a discursive approach to care; instead, they argue that one can only understand what care is by becoming familiar with practices of care. Finally, most writers, including Virginia Held, Sara Ruddick, Marilyn Friedman and Annette Baier, define care in terms of the special good it provides. The main benefit of care, they argue, is that it enhances our moral growth.

Running through the work of these authors is another pair of issues: whether care can be formulated in terms of general principles, and whether these principles should uphold the ideal of impartiality. I will argue against Heckman's claim that the ethic of care should reject all principles, before going on to argue that partiality is, in certain situations, morally valuable. However, the question of *when* partiality is morally acceptable, and when it counts as bias and therefore has to be avoided, is far from easy to answer.

The final section of the first chapter will address another key debate: the relation between care and justice. Here, again, my aim will be to distance my argument from a number of influential contentions which are often associated with the ethic of care, and at the same time to outline certain assumptions which, I argue, any satisfactory ethic of care must accept. Correct understanding of this relation is clearly vital to the project of locating care in a broader ethical context, the more so since it has been widely argued that justice and care are antithetical I shall focus on the contributions to this discussion made

they knew very well what 'duties' where; could this make an case for the logical pre-eminence of duties over rights?)

by Diemut Bubeck and Annette Baier. Although I shall criticise Bubeck's attempt to bridge the gap between justice and care by institutionalising the latter, I shall nevertheless suggest that care and justice are not at odds. My argument, at this stage, will be that in some contexts unjust behaviour also counts as uncaring behaviour. This is the case when we favour a friends' requests over a strangers' ones, even if the stranger happens to be in much greater need for help.

Having set out the parameters of my discussion, I go on in chapter two to address the central issue of my dissertation: the place of care in an ethical theory and in particular the relation between care and an account of justice articulated in terms of rights and correlative duties. One dimension of this issue - the epistemic one - concerns the question: what grounds do we have for thinking that care is of moral significance? As I have mentioned, the ethic of care originates in the psychology of moral development, and feminists regularly defend its importance by appealing to the fact that it is an irradicable part of women's experience. An adept of a strong normativist view might, however, dismiss this argument as a mere description of a state of affairs, a description that cannot entail any conclusion as to what morality *should* be about.

I shall oppose this type of argument by emphasising the relevance of human needs, interests and desires as, if not *entailing* moral values, at least providing the best ground for them. Following MacIntyre, I will argue that one can fill in the gap between statements of fact and statements of value through an account of needs. Moreover, care also rests on a conception of need. Once we admit the moral character of needs, we can defend the moral character of care which is, I will argue, the most direct response to needs.

Having established this conclusion, I turn to the relationship between care, rights and moral obligation. Unsurprisingly, advocates of an ethic of justice frequently regard rights as an overarching category capable of encompassing a sufficiently wide range of salient values. I shall argue, however, that one can only generate an adequately broad moral theory if one founds it not on rights, but on the interconnected notions of needs and duties. Relying on Onora O'Neill's Kantian distinction between perfect and imperfect duties I shall argue that the scope of obligation is wider than the scope of rights. While some duties correlate with rights, other, imperfect duties cannot be assigned correlative rights and therefore, the obligation to meet them cannot be legally enforced. Care plays a crucial role in explaining our responsibility to meet both perfect and imperfect duties. In each case, care fulfils an epistemic function and consists in the ability to assess a moral context correctly and decide what the priorities are. At this point my interpretation of care will diverge from those adopted by previous writers. An understanding of care as the capacity to interpret rights, duties, and moral principles is wider than the interpretations of care that have so far been proposed.

As well as helping us to interpret moral contexts, care is essential when it comes to meeting imperfect duties. Since these cannot be enforced, dealing properly with imperfect duties is to a large extent a question of good will and careful behaviour. Far from being at odds with justice, care is therefore an important aspect of the process of understanding and implementing principles of justice. When talking about justice, I will refer to that understanding of justice as a matter of rights. More specifically, I will take the Rawlsian theory as a paradigmatic case in my attempt to bridge the gap between care and justice.

The third chapter will aim to make sense of the ethic of care in relation to what some contemporary philosophers call "virtue ethics". In the last few decades there have been several attempts to revive an understanding of ethical life as centred on virtues rather than on formal rules, and my hypothesis is that the insights offered by virtue ethics can be fruitfully developed by feminist philosophy. First, I will argue (again, following O'Neill's arguments) that virtue ethics is complementary, rather than opposed, to the ethics of justice. I will then claim that care itself can be regarded as a virtue, or moral disposition, one that can be learned through practice. I shall emphasise the structural similarities between the ethic of care and virtue ethics, most of which are obvious once one considers the relationship between community, virtue and care.

Chapter One: Approaching Care

1. What is Care?

Introduction

Authors writing about the ethic of care, have defined care in different ways. Some have concentrated on describing care as a kind of activity or labour, others have identified care with certain attitudes and virtues, and most writers have emphasised that caring involves the acquisition of specific dispositions, both epistemic and behavioural. In addition, one can find approaches which define care as a precondition for acquiring other moral goods, such as building up one's identity at the most fundamental, intimate level, or engaging in an on-going process of creating and challenging personal values. The only element all these approaches seem to have in common is the search for what is morally significant about care. Why should care be considered a moral requirement rather than a natural characteristic of some individuals (for example, mothers), or a supererogatory attitude (as it might be considered in cases when somebody does more than is morally required of them)?

This opening chapter will offer a critical survey of the literature on care. I shall attempt to address the most important philosophical questions related to care as have they so far have been developed. In addition, I shall offer a sketch of my own understanding of care and its relation to ethics in general, which will be further defended in the two

succeeding chapters.

Tronto: Describing and Justifying Care

The first, and perhaps the most obvious way of characterising care is to refer to a set of specific practices and activities, centred around contexts such as motherhood, friendship or welfare-related activities such as nursing. The work of several feminists has settled on these practices as a standard starting point for discussion of the ethic of care. Of these authors I have selected those whose work is most widely referred to: Joan Tronto and Peta Bowden.

Joan Tronto's main insight is that practices of care represent an important sub-field of the moral sphere, without, however, exhausting it. She argues that these practices are particularly relevant to contemporary life. In Tronto's view, the reasons for preferring one moral theory over another have much to do with what she calls the form of life of a society. This is to say, '*the constellation of historical, social, political and intellectual aspects of life*' (Tronto 1993, 28). Our society, she argues, places particular value on the 'private' sphere, which is informed by relationships between friends and relatives. Among friends and relatives, care is the most adequate moral response. Therefore, care should receive special attention since it is, to such a large extent, part of our daily ethical experience.

Tronto proceeds by making a distinction between those moral theories that start with a set of universalistic and impartial rules and those that are contextual. The theories contained in the first category, including Kantian ones, cover are generally, but not necessarily, centred around the question of what is right, and less often around the

question of what is good. The ethic of care is included in the second category. Theories in this category, Tronto argues, make the claim that, in order to describe morality, we need more than a set of rules and the requirement that individuals will use their reason in order to apply them. A contextual morality makes reference to other moral qualities, such as "virtue", "sense of justice", "moral sense" or "the sense of the ends in human life". The ethic of care is conceived as a contextual morality by analogy with the theory of moral sentiments as developed by the philosophers of the Scottish Enlightenment. In Tronto's view, the distinction between will and reason in the work of these writers generates two types of morality, one based on universal moral feelings such as sympathy, the other based on a rule-oriented approach. From Francis Hutcheson, who distinguishes an innate, universal moral sense based on moral sentiments or sympathy, through David Hume, for whom benevolence is the root of justice, to Adam Smith, in whose writings the very conception of virtue is challenged and reason offered as the only basis for morality, there is always a trade-off between moral sentiment (possible only in a certain context, directed towards particular persons) and moral reasons (which are context-free and can be applied to any human being). When, eventually, morality came to be conceived only as a matter of abstract universal principle, recognisable and applicable by the powers of reason, virtue lost its status and came to be associated more with natural qualities that people may or may not possess. Some of them pertained to the realm of the household, and consequently, to women, and because they were conceived as 'natural', these qualities lost their moral significance.

Tronto gives two reasons for comparing the theory of moral sentiments with an ethic of care. First, she uses this analogy to argue that the value of care should inform

men's as well as women's behaviour. Her aim is to dismiss the idea that care belongs exclusively to the female sphere. If care ethics is similar to the theory of moral sentiments, and the latter is not gender related, then care should also be a moral value for men and women to the same extent. Secondly, she emphasises the historical conditions that have led to our contemporary understanding of morality. In this process, she claims, the increase in social distance between people created a need for a morality conceived in universal terms and based on reason rather than sentiment. During the eighteenth century, social theorists concentrated their attention on models of society provided by an expanding international market, characterised by a growing mobility and therefore by interaction between strangers. This model, taken from economics, served as a paradigm for a contractarian political and ethical theory, which had to provide a set of universal rules regulating such interactions. Women's private sphere remained outside the public sphere and, at the same time, the public sphere became the privileged domain for ethical enquiry. This historical analysis is important to Tronto's argument because she thinks that,

'While universalistic morality could conceivably have accommodated women as rational moral beings, universalistic moral theory cannot accommodate those aspects of life that are usually associated with women as a result of these eighteenth century developments'. (Tronto 1993, 56)

Tronto's goes on to argue that, since social life is nowadays largely characterised by close personalised interaction between people (in families or circles of friends, but also in some types of institutions such as hospitals), morality has to be able to provide the tools for dealing with it. An adequate account of these types of interaction is the ethic of

care.

But what exactly does the ethic of care consist in? Tronto identifies four main elements of an ethic of care: attentiveness, responsibility, competence and responsiveness. For an action to count as taking care, it has to be informed by attentiveness towards the needs of those who are taken care of, responsiveness to these needs, competence in dealing with them and a responsible attitude on the part of the carer. That is to say, the caretakers should avoid adopting a dominant, suffocating or paternalistic attitude.

An ethic of care is further distinguished from impartial, rule-based morality by the way it proposes to respond to moral dilemmas. When these arise, the central question is not "What do I owe to others?" but "How can I best meet my caring responsibilities?", and the latter question contains both a universal and a particular component. The universal one focuses on the question of what general caring responsibilities exist. The element of particularity consists in identifying, in each context, the concrete needs to be met.

The ethic of care also has its limitations and dangers. The first problem one encounters is that of assessing needs, since there are often more needs than can be met. Moreover, some of them may conflict. In Tronto's view, attentiveness is the capacity to correctly identifying the most important needs, and a crucial moment within the practice of care is deciding which needs to respond to first.

A second problem is that, in individualistic societies where independence and autonomy are highly valued, neediness may be resented as a burden both by the caretakers and by those in need. For example, the latter may regard their neediness as

evidence that they are inferior human beings. Tronto argues that it takes responsibility to avoid these negative side-effects of care and to avoid slipping from care to dominance.

Thirdly, Tronto identifies parochialism as a potential threat to the ethic of care. Because of the contextual character of care, there is a danger that individuals who live by it will only interest themselves in those who are very close to them and neglect others. (Tronto is reminding us here of Hume's observation that a person may be more interested in the breaking of a mirror in their own house than a fire in the house of another). Again, it takes responsibility, she argues, to avoid indifference towards distant people.

Finally, care may challenge equality as a moral value. The context in which care emerges, is, in Tronto's view, the actual inequality between people: an ethic of care is needed because particular individuals have needs that can be met only by certain other individuals (as in the child-mother relationship), making the first dependent on the second. However, as Tronto acknowledges, recognising equality is part of our commitment to democracy (a commitment she is not attempting to challenge). So, how is equality going to emerge from inequality? The problem of inequality between different agents within care contexts leads to three more issues to which Tronto points without attempting to find a general way out. The first concerns our tendency to treat as unequal those people who need care. The second is the problem of paternalism, the tendency of the care-provider to declare themselves expert in moral problems. Finally, there is the issue of privileged irresponsibility: if in each society there is a tendency to find it easier to recognise the needs of the people who are already in positions of power, then the less well off are in danger of being ignored. The ethic of care might provide a justification of the moral exploitation of care-takers (who in our society are mainly women) and of the

lack of recognition of their own needs.

Tronto's answer to these dilemmas is consistent with her rejection of the idea that care can be informed by general principles:

'Because care is a practice, there is no guarantee that the moral problems that we have pointed out to will be solved. There is no universal principle that we can invoke that will automatically guarantee that, as people and society engage in care, that care will be free of parochialism, and privilege'. (Tronto 1993, 153)

While I will argue against most of Tronto's claims, my own approach will share her emphasis on the ethical importance of needs, and the close link between needs and care.

Bowden: the Impossibility of Defining Care

While many theorists attempt to find some general characteristics which define care, there are also attempts to discuss care in the absence of a definition. Some authors believe that there can be no definition of care, and that one can grasp what care means only by becoming familiar with examples in which care is present. Writers who adopt this approach have a great deal in common with moral contextualists¹. Their first move is to claim that no ethical theory whatsoever could give an account of the entire scope of morality, due to

'... the ethical irreducibility of specific situations. According to the view I

¹ Moral contextualism is implied, for example, by the argument of both Peta Bowden and Susan Heckman. I discuss Heckman's approach in a different section, because her emphasis is rather on how one can justify an ethic of care rather than what care actually is. But, as well as Bowden, she uses a Wittgensteinian argument to justify a relativist viewpoint.

endorse, no single theory can be created to subsume all instances, no moral concept can catch the essence of all its uses, and no moral judgement can be expected to resolve a particular conflict without leaving further ethically significant aspects in its train'. (Bowden 1997, 3)

These constraints on all ethical theory also afflict an ethic of care, whose main concept - 'care' - cannot be defined by identifying a set of necessary and sufficient features. Bowden draws a parallel between the Wittgensteinian analysis of the word 'game' and the concept of 'care'. The same reasons which prevent 'game' from being defined in an exact and clear manner also apply to care. Practices of care, and caring relations, are embedded in the specific contexts in which they develop, and these contexts do not have any common element that can provide the basis for a rigorous definition. As a result, one should not attempt to define what is ethically significant about types of care which have emerged in different contexts:

'substantive claims about the ethical possibilities or disabilities of caring are rendered suspect by the recognition that understanding them demands attention to the particular context of concerns within which they are expressed'. (Bowden 1997, 15)

An accurate account of care can therefore only be given via examples, by analysing different contexts in which care functions, whose cultural specificity has to be acknowledged. Such contexts, Bowden argues, include mothering, friendship, citizenship and nursing. Within each of these practices one can find different manifestations of care, but cannot identify a common core. This recognition should inform our approach to the ethic of care. For example, if we take the case of mothering, the aim of investigation

should be '*only to show that understanding of maternal care cannot be achieved in a unitary way, but may proceed fruitfully by working through an array of examples*'. (Bowden 1997, 46)

But what if the core element in which the moral worth of care consists does not lie in a list of characteristics of care contexts, but rather in a more abstract good provided (through different activities) by means of care? Some authors' work seems to suggest that the difficulty of defining care at the level of its features as a form of *activity* can be overcome. An alternative way of providing a definition of care (couched at a different level) focuses on what it provides rather than on the practices we classify as forms of 'taking care of'. This way of arguing what care is, is defended by a number of authors. Among those whose approach is closest to my own are Sara Ruddick, who interprets motherhood as empowerment, Marilyn Friedman, who discusses friendship as a means for moral growth, and Annette Baier, who analyses the link between ethics and trust.

Sara Ruddick: Care as Mothering

A first attempt to shift from a definition of care in terms of types of activity to one which emphasises the goods provided by care is Sara Ruddick's analysis of motherhood. While her work still refers to some well defined types of activity that count as care-taking (within the context of motherhood), her argument focuses on the values fostered by these activities, namely moral and emotional growth. The main tasks accomplished by mothering are preservation, growth and social acceptability. They *constitute maternal work; to be a mother is to be committed to meeting these demands by works of preservative love, nurturance and training*. (Ruddick, 1989, 18). Through preservative

love, the child is protected from physical dangers; nurture involves taking care of a child's emotional and intellectual growth; finally, training provides the child with a capacity to adapt and integrate into society.

The basic need to which caring mothers respond is the need of the child to be offered an environment in which he or she can develop into a human being. Ruddick emphasises the importance of nurture for this process of development: '*To foster growth is to nurture a child's developing spirit - whatever in a child is lively, purposive and responsive*'. (Ruddick, 1989, 82). Her writing reveals, through the discussion of examples, how complex and dynamic children's development is, and, in consequence, how demanding are the requirements of successful motherhood. An adequate response to a child involves extensive attentiveness, commitment, patience and know-how, since *no amount of generalising is sufficient to identify specific needs on a particular day, let alone to meet them with the resources available*. (Ruddick, 1989, 86) I will come back to the issue of practical knowledge in order to argue that care is the ability to apply general, abstract principles to particular situations.

The ethic of care, as seen by Ruddick, is coherent, and partially overlapping, with an ethic of virtue. The maternal virtues she analyses are realism, compassion and delight, which ensure that the growing child will respectively become a person capable to being integrated into society, understanding herself, overcoming her fears and correcting her shortcomings.

The main good provided by maternal care is to help the child build up her own identity. Ruddick recognises that each of us has a complex identity, constituted by the different "stories" we hear about ourselves at various social levels; there are stories about

our community (such as the nation-state we belong to, or like other, more local communities) and stories about our past (such as the ones historians are supposed to provide). However, *no public story can substitute for the story of a child in her own world* (Ruddick, 1989, 101), and this last story, active at the most intimate level, is woven through care in the mother-child relationship.

Held: Care as the Creation of Persons

Close to Sara Ruddick's approach is that adopted by Virginia Held. Her strategy is to highlight the crucial moral significance of mothering by arguing that this activity is not just a reproductive one (as cultural patterns seem to have represented it), but a productive, creative activity. Mothering and the values it generates fall within the scope of morality because what it creates is the (future) moral agent: *in bringing up children, those who mother create new human persons*. (Held, 1997, 634) The concept of morality, as it is understood by contemporary liberal thinkers, would not be possible without the care any child has to receive in order to become a mature and responsible adult.

Morality seen in terms of individuals negotiating contracts and afterwards recognising them as binding presupposes maternal work. In order to be able to establish relationships between equals people need a degree of maturity and emotional harmony. Mothers are the ones who provide children with basic education and who take care of their socialisation in early childhood, providing the basis of their further development. In this sense, *'mothers and mothering persons thus produce and create human culture'*. (Held, 1997, 634).

The next question one might ask at this stage is how we could extend the ethical

significance of care outside the domain of the mother-child relationship. The approach adopted by Ruddick and Held can be seen as too restrictive. Not only motherhood, but many other contexts, such as friendship, the teacher-student relationship or, in some societies, the relationship between priest and congregation, contribute, through care, to our moral development. Marilyn Friedman proposes a more general way of understanding care as a resource for human growth, by analysing it in the larger context of friendship.

Marilyn Friedman: Care, Friendship and Moral Growth

Friendship, according to Friedman, is a privileged type of relationship, because it permits a particular kind of development by enhancing one's capacity to understand values. This understanding is made possible by intellectual empathy:

'Supposing that, at the beginning of my relationship with a friend, I did not share with my friend all her values or principles; then friendship beckons me to consider those unshared values and principles as new moral possibilities for myself and to consider my previously held values and principles in a new light'. (Friedman 1993, 193)

A relationship with a friend is, therefore, the ideal medium for grasping a viewpoint informed by an alternative set of principled moral commitments. (Friedman 1993, 201). This kind of interaction is made possible by the special type of commitment that defines friendship and is characterised by care. Friedman describes friendship in a manner which is very close to Tronto's account of care: the attentiveness towards the other ensures the capacity to identify needs correctly and to respond to them in a non-

egoistic way. What is philosophically interesting here is that particularity is at the core of friendship: *Just how we care for a particular friend depends on her specific needs, interests, and values.* (Friedman 1993, 191) The capacity to understand what is particular about our friends and to respond adequately - by acting towards them in a highly personalised way - is essential to friendship and is the very condition of its moral worth. By being able to notice what is special about each of our friends, and to react to them accordingly, new universes of values becomes available to us. The commitments that shape friendship work as an incentive for us to open up in front of these universes and therefore '*afford us access to whole ranges of experience beyond our own*'. (Friedman 1993, 197)².

The good provided by friendship is here understood as moral growth. Friendship is a crucial source of moral transformation, offering the capacity to understand and adopt a different point of view, a different moral interpretation of facts, a different way of applying principles, or even a different set of values:

'The sort of moral growth that most interests me is the profound sort that occurs when we learn to grasp our experiences in a new light or in radically different terms'. (Friedman 1993, 196)

But then the next set of question arises: why is it so valuable to have access to a different moral standpoint? Why is this type of moral growth morally important? How does change in quantity - the quantity of information, of possible interpretation of facts, and even direct access to a different set of values - amount to a change in quality (in the level of moral knowledge)?

² I will discuss later whether this kind of partiality is just the opposite attitude to the impartiality advocated by 'mainstream' moral philosophy or if they can be made compatible and to which extent.

The answers provided by Friedman herself to these questions proceed in a familiar pluralist vein. Having several sets of values or lifestyles to choose from enhances our autonomy; the more I know about life in general, the better I can make my choice as to how I really want to live:

'The greater the diversity of perspectives one can adopt for asserting rules, values, principles, and character, the greater the degree of one's autonomy in making moral choices.' (Friedman 1993, 202)

As Friedman recognises, this argument implies that we also have to recognise fiction as a source of moral growth (and, one could add, the same applies for any form of art understood as an account of human life and its significance).

Underlying this account is what Friedman calls "moral empiricism" - the conviction that accumulating moral experiences makes an important difference to our moral knowledge. But what exactly does it mean to accumulate moral experience? Sometimes, Friedman seems to claim that this simply means widening one's knowledge of different types of possible moral situations and possible responses to them³ (and in this context she recognises that the experience of having nurtured a child brings about the same type of moral growth as does friendship). If this is what moral growth is all about, then the special role of friendship in this process is simply that, because it is a relationship between equals, it permits much more interaction, dialogue and exchange than any other experience. It differs, for example, from the experience provided by a book, which is in many senses a closed text, or by a child, who will probably be unable offer much in terms of life experience.

³ *The capacity of friendship to afford us vicarious participation in moral standpoints other than our own is my first theme here. This capacity enriches the experiential base of our moral understanding and thereby*

However, if the main point of friendship is the accumulation of moral experience, it remains to ask how it makes it possible to change one's already established values, or even to understand and to consider new values? An empiricist would argue that the only way this change could occur would be by our simply encountering new values - seeing them through somebody else's eyes - and then adopting or rejecting them as if they were matters of taste. (For example, I go with a friend to the cinema to see a movie which I am sure I shall strongly dislike, and stay only because I am eager to understand why she likes it) Whether values that describe a lifestyle are reducible to questions of taste, is something I shall go back to in the next chapter. Here, the problem is to grasp Friedman's account and, indeed, at some points she seems to suggest that at least some of our values are not to be questioned by anybody - their choice is entirely justified by our freedom, as persons, to choose how we want to lead our lives. My reservation about this view is that it underplays both the potential force of friendship as a source of moral growth, and the value of moral growth and moral interaction in one's life.

Annette Baier has proposed an approach to care understood in a wider sense, as the basis of trust among members of the same society. Her argument gives a more generous account of the moral good provided by care.

Baier: Care, Trust and the Creation of Values

Annette Baier's approach to close relationships takes a step forward in finding out what kind of good they can provide. The first important new element in her approach is that she extends the moral role of care, from the circle of friends to human relationships in general, by introducing the concept of 'trust'. The second element consists in

extending the role of care, understood as trust, from the mere circulation and preservation of values to their very creation. The arguments developed by Friedman and Baier are structurally similar. Friedman argues that, through care, friendship generates moral growth. In her turn, Baier then argues that trust is coextensive with a certain type of care. Care, understood as trust, constitutes the ground on which, together, people can build the world they inhabit.

Baier begins by noticing that *'we typically do leave things that we value close enough to others for them to harm them'*. (Baier, 1994, 100). But how is this possible? The explanation is that we need their help in creating, and then in not merely guarding, but in looking after, the things we most value. Baier's main claim is therefore that the value of close relationships consists in the fact that only together with others can we create and maintain values. The things and the people one cares for are embedded in the same moral web:

'The simple Socratic truth that no person is self sufficient gets elaborated, once we add the equally Socratic truth that the human soul's activity is caring for things into the richer truth that no one is able by herself to look after everything she wants to have looked after, nor even alone to look after her own 'private' goods, such as health and bodily safety'. (Baier 1994, 101)

The precondition of maintaining this field of relationships is a climate of trust among people - trust which cannot be limited to friends and relatives, but must extend to strangers for a society to be functional. The different levels of interaction, and the different values which are at stake in each interaction, require different levels of trust; but

even among strangers, *'without trust, what matters to me would be unsafe, unless like the Stoic I attach myself only to what can thrive or be safe from harm, however others act'*. (Baier, 1994, 95)

Therefore, trust is the very medium of morality. Without trust, most of our actions would be paralysed, since most of our values would be in danger. Because it is omnipresent, trust is difficult to notice, since *'we inhabit a climate of trust as we inhabit an atmosphere and notice it as we notice air, only when it becomes scarce or polluted'*. (Baier, 1994, 98)

In most cases of interaction with strangers, we trust them not to interfere with us, or only to interfere at a very superficial level, but even in this case one could use the expression 'taking care', in a weak sense. Here, taking care of somebody would mean not attacking their autonomy⁴.

As defined by Baier, trusting involves accepting one's vulnerability to the potential ill will of others, but at the same time counting on their good will - or lack of ill will. This also involves a certain degree of risk and exposure. Because others can always abuse out trust, and because they can most easily take advantage of us under conditions of trust, it is obvious that not only morality, but also immorality needs trust in order to flourish.⁵

If most valuable things can come to life only when people interact with one another it is also in this interaction that valuable things can die, since *'the one in the best position to harm something is its creator, or its nurse-cum-caretaker'*. (Baier, 1994, 100)

⁴ 'Look after' and 'take care of' will have to be given a very weak sense in some cases of trust ... Trusting strangers to leave us alone should be constructed as trusting them with the 'care' of our valued autonomy. (Baier 1994, 103)

⁵ "Exploitation and conspiracy, as much as justice and fellowship, thrive better in an atmosphere of trust."

One is reminded here of Friedman's account the potential dangers of friendship. The danger comes from the fact that trusting someone means investing that person with a special power over us, which can potentially be used against us. Friendship is possible only under conditions of trust, and *trusted friends offer us one important sort of guide through uncertainties*. (Friedman 1993, 200). When we don't know what to think, or what to choose, friends may be the only guide because they are the ones we trust. But this guide may also be a false one.

Finally, trust makes possible that kind of openness towards our friends' values that is the premise of moral growth. Because of the trust we invest in friends, and because of their influence on our moral growth, friendship involves the risk that we may find ourselves subscribing to values that we do not want to endorse - and therefore the danger of transforming ourselves in a person we don't like.

2. Justifying Care: Care and Principles; Care and Impartiality

The central epistemic element of the ethic of care, as developed by most theorists, is its challenge to the idea that morality has to be based on impartial, neutral principles⁶. This section will discuss this question by dividing it into two parts. I shall first consider whether one can have morality without principles, before going on to discuss the problem

(Baier, 1994, 95)

⁶ My own argument will run against the feminists' rejection of principles. However, I will argue in a further chapter, that recognizing the moral relevance of care is indeed connected to an epistemic challenge to mainstream ethics. Care understood as a mediation between abstract principles and their interpretation in particular contexts draws attention to the importance of practical, tacit moral knowledge.

of partiality in relation to principle.

Care and Principles

Most philosophers whose work is centred on the ethic of care recognise the danger of idealising it. They call attention to the tendency to overestimate the positive aspects of care, and note that in practice care can generate paternalism, domination, abuse and betrayal. They acknowledge that mothers, the source of self-confidence, can also be moral draw-backs, and that friends whom we trust have the power to hurt our feelings most deeply.

But how can the dangers of care be avoided if one refuse to formulate any principles about what is beneficent and what is not? How can one avoid idealising close relationships unless one can identify their harmful features? Indeed, how can one evaluate care at all if one lacks any explicit, discursive knowledge about what is desirable and what is not desirable, what has to be cultivated and what has to be avoided in human interaction?

In this section I will argue against those philosophers who dismiss the need for principles as an essential part of thinking about care. I will then address the question of the partiality of moral principles. The first question to be confronted here is whether it is possible to express our knowledge about care in a discursive fashion, or whether this knowledge is acquired tacitly, through practice. The second problem is whether, provided that we need principles, we should aim for impartial principles or we can accept a certain

degree of partiality in moral reasoning.

Hekman - Morality as a Language Game

I shall start by discussing a meta-ethical interpretation of Carol Gilligan's ethic of care, offered by Susan Hekman in her book *Moral Voices, Moral Selves*. Hekman refers to many contemporary philosophers whose thought could serve as a framework for the ethic of care. Among all the names mentioned, I shall focus on that of Wittgenstein, because my own argument will be indebted to his thought. In my view, Hekman is right to point to the similarities between Gilligan's discussion of ethics and Wittgenstein's discussion of language. However, I do not think that her interpretation solves the problem of finding a proper meta-ethical framework for the ethic of care⁷.

The feature of Wittgenstein's late philosophy⁸ that brings his thought closest to feminist ethics is his criticism of the abstract, rationalistic character of modern philosophy. Wittgenstein is among the major thinkers who have criticised both essentialism, and the philosophical aspiration to produce comprehensive theories by pushing certain analogies beyond their legitimate limits. By denouncing the modernist conviction that all concepts can and should be clearly defined by necessary and sufficient conditions, he pointed to the danger of taking particular cases as paradigmatic. To avoid this difficulty, he argued, philosophers should pay attention to concrete situations, and should recognise as over-speculative those theories that have resulted from the

⁷ Later on I will go back to Wittgenstein to explain why his late philosophy of language can be the foundation of a view in which concepts like 'needs' and 'care' are genuinely ethical - moreover, they are the very basis of ethical life.

⁸ *The Blue Book, The Brown Book and Philosophical Investigations*

misleading of our language.

One of Wittgenstein's major contributions is in the philosophy of language, where he introduced the concept of a "language game" in order to emphasise that the meaning of words is not given by the fact that we can produce a definition, but by the way we use them. For example, the meaning of the word "table" is given by the fact that the word "table" has been, and is, used in such and such linguistic contexts within a language such as English. These linguistic contexts form a "language game". There is no pre-established definition of a word such as "table"; on the contrary, it achieves its meaning by the very use of language, and it can therefore only have meaning within a given language. Equally, a language game is meaningful within a certain context which Wittgenstein calls a "form of life".

The pre-eminence given by Wittgenstein to practice over theory and to actions over their rationalisation, suggests that ethics should start out from what people actually experience in their moral life, rather than from abstract, impersonal or universal principles. The ethic of care has as a starting point exactly the observation that one cannot give a full account of our moral life without taking account of our particular experience of care, needs and personal relationships. This does not mean, however, that definitions in the field of language, and principles in the moral domain, are useless. Definitions, as well as principles, are necessary elements of our linguistic and, moral abilities. However, they can acquire their sense only in given contexts.

Susan Hekman relies on Wittgenstein's philosophy in order to provide an epistemological foundation for an ethic of care. She draws an analogy between the

practice of language and the moral life. In the chapter 4 of her book, "Back to the Rough Ground", she develops an argument that has the following structure. Just as words - the components of our language - acquire their meaning through the use of language, moral norms - the components of ethics - can and should be extracted from concrete moral life. Just as it is illegitimate to declare that the meaning of a certain word is restricted by a rigid definition, it is illegitimate to claim the morality can be expressed by reducing it to general rules or principles.

Extending her analogy, Hekman arrives at the following view. People can speak correctly or incorrectly. We judge whether they can use a certain language not by looking to the definitions of words, but by seeing whether a linguistic community understands and reacts properly to what a subject tries to communicate. In the same way, people can act morally or immorally, and in order to verify this we don't have to compare actions with universal principles. Rather, we see whether those actions are or are not acceptable within the form of life to which they belong. Hekman's supposition is that, like language, morality is a tacit set of normative conventions that grows naturally out of a certain society, and it is therefore only the internal development of these conventions that defines the content of morality.

It is precisely this supposition against which I will argue. What are the criteria for judging whether or not someone speaks a language correctly? In this case there are no rules or criteria that are external to a linguistic community. The simple fact that we are able to use language and understand each other is proof that we speak it correctly, and nobody from outside the linguistic community could come and say 'You should use words differently'.

What are the criteria for judging whether we act morally? Here, I shall argue, we need some 'external' criteria, since the morality of an act is not something we can determine in the same way that we can determine whether, for example, someone is responding correctly to a command.

One way of objecting to my argument would be to claim that we *can* determine directly whether or not an act is moral. This reply would entail an intuitionist ethical position⁹, according to which we can know what is morally good or wrong by simply appealing to our intuitions. But this answer would not do, because it is obvious that even persons from the same community sometimes have, conflicting intuitions regarding morality. Like most of our reactions, moral intuitions are culturally mediated, so they change all the time.

We need therefore criteria for distinguishing moral from non-moral action, which are sufficiently general to be applied in practice. Let us assume that such principles will be abstracted from our moral experience and come after it, and that they will only make sense as long as we can relate them to our experience. Does this mean that moral principles are like the definitions of words in all respects? Not altogether, for the following reason. We acknowledge, at least *prima facie*, that there is a distinction between moral and prudential action. But, if moral rules are just descriptions of what people generally do in moral contexts, and have therefore no genuine prescriptive nature (as Hekman seems to claim), we cannot make any distinction between moral and prudential reasons. Unless we can distinguish description from prescription - mere

⁹ An interpretation of Heckman's argument which constitutes an alternative to intuitionism would be to say that moral principles have sense only if they relate to local practices, and therefore abstract principles have no significance at all. But, in this case, we should ask in virtue of what do the local practices referred to constitute paradigms of moral actions, as different from immoral or non-moral actions? We would probably

generalisations about human action from normative criteria for these actions - we cannot talk about moral principles at all, in a proper sense.

In other words, we cannot draw a perfect parallel between Wittgenstein's critique of language and the critique of the morality of clear principles attributed to Gilligan, because definitions of words are not normative in the strong sense in which principles of morality are.

We can accept that definitions are merely a matter of convention, so that the reason for naming something in a certain way lies in a practice. We can say 'We name it X because we name it X, <<because this is what we do>>', and no supplementary explanation is needed. If we were to decide use language differently, to re-cut the world conceptually, we could do so and no previous convention could prevent this. (For example, we could decide to classify differently all objects in the household, so that we don't have, say, a distinction between different types of furniture but we have specialised terms for objects of different colours). And if we were still to insist in finding a reason for preferring one convention over another, we could say, without destroying the argument, that the new convention was more convenient. (It can reinforce the argument because one can say that the very fact that we do this and not that shows that we find it more convenient, in this case traditions counting as convenient features themselves, since it is always more efficient to follow than to oppose inertia, all other things being equal).

If we attempt to discuss morality by reducing it to conventions, however, we encounter a different problem: we need morality in order to know how to act, what to do

be asked to produce some general principle to justify the morality of these practices. I will come back to this question with a more extensive discussion in a later chapter.

and what not to do. This means that we need moral theories/concepts/rules in order to know how to evaluate an act as moral. There is a difference between mere acting and acting morally. And there are no criteria that can tell us if we acted morally or not other than those provided by a moral theory itself. Hence, the need of a moral criteria, if we accept the distinction between moral and immoral.

Our need for clear rules and principles to account for what is and what is not moral cannot be as easily dismissed as the need to have precise definitions for the words we use.

The Need for Principles

The idea that what is genuinely moral lies not in abstract principles but in local practices is not peculiar to Susan Heckman's writings. Rather, it constitutes a common denominator among care authors. Bowden, for example, argues that '*ethics is recognised as constitutively contextual and based in the actual experiences of actual persons*'. (Bowden 1997, 4) Monique Deveaux, in turn, notes that feminists not only '*stress the need to ground morality in lived ethical experience, not in hypothetical moral dilemmas or imperatives*'. (Deveaux 1995b, 89), but also tend to derive moral justification from moral experience, by rejecting any mediating principles.

The question I wish to address is whether praising the richness of the moral experience which characterises close relationships as a source of moral knowledge entails the rejection of abstract principles, or only the displacement of their central role in moral theory. Most writers seem to incline towards the first possibility, arguing that the care perspective is philosophically inconsistent with rule-based morality (Deveaux 1995a,

115)¹⁰. However, denying that moral principles have any value, and claiming that moral knowledge is entirely tacit knowledge, will make the distinction between moral motivation and moral justification inoperable. As Deveaux puts it,

'... these authors derive moral justification quite problematically from moral motivation and affective ties, rather than from reasoned principles of moral assessment and conduct'. (Deveaux 1995b, 89)

What is the relationship between the description of ethical life and a prescriptive, normative ethics? How can we identify the scope of morality, and, inside its domain, how can we tell right from wrong, if practices are self-justificatory?

Most authors writing in defence of the care perspective - be it centred around a practice or around a type of human interaction - accept as a key problem of ethics the fact that close relationships are often problematic, that love, trust and friendship are grounds on which exploitation becomes possible and that the closer we are to somebody the more vulnerable we are. Under these circumstances, is it possible to distinguish what is morally beneficent from what is morally harmful only if we adopt an intuitionist standpoint or if we accept some principles as a guide to morality.

If we lack any moral principles, what we lack in the first place is a tool for defining the scope of morality - for distinguishing actions and attitudes which have a moral nature from those which do not. Moreover, without principles we possess no criteria for judging some things as moral and some as immoral¹¹.

¹⁰Deveaux is also arguing that, because of its emphasis on context *the care perspective defies reformulation in 'grand moral theory'* (Deveaux 1995a, 117) and therefore it cannot be seen as coherent with any branch of the 'mainstream' ethical theory. However, many authors (like Tronto or Baier) have pointed out the affinities between the ethic of care and the ethics of moral sentiments, or the ethics of virtue. Indeed, but there are 'grand moral theorists' - such as Aristotle, Montaigne, Hume, Wittgenstein - that value local practices as sources of moral knowledge.

¹¹ *The feminist 'care perspective' and virtue ethics ultimately face a common dilemma, namely, how to*

The task now facing us is to identify what are the principles conducive to an ethic of care (and that will hopefully avoid the shortcomings generally associated with it: its possibly oppressive character, moral inequality, indifference to strangers, and other types of injustice) and how are we to reach these principles ?

The first problem this project will encounter is the familiar one of deriving norms from descriptions, or 'ought'-statements from 'is'-statements. I will address this issue in the second chapter. Here, I shall turn to a closely related issue. If one accepts the need for principles, one is bound to consider whether these principles have to be impartial, or whether partiality is justifiable in some moral contexts.

Care and Impartiality

Marilyn Friedman does not question the assumption that ethics, even the ethic of care, can be formulated in principles. Instead, she concentrates on the issue of partiality. She first attempts to distinguish some forms of impartiality from bias, and then aims to prove that the impartial standpoint is only a regulative ideal, and that eliminating it is humanly impossible.

Friedman considers some forms of partiality as signs of moral virtue rather than as moral shortcomings. The cases in which partiality is praiseworthy are those that involve close interaction. In these cases, she argues, genuine moral motivation is to be found in our feelings for friends, and not in our commitments to abstract principles:

'Partiality for a friend involves being motivated by the friend as an individual, by who she is and not by the principled commitments of one's

encourage consistently good moral judgement and action without the support of a principled moral framework. (Deveaux 1995b, 87)

own which her circumstances happen to instantiate'. (Friedman 1993, 192)

However, she accepts that some forms of partiality are morally wrong, such as when people are discriminated against on the basis of their race or sex. These are the forms of partiality that count as bias, and Friedman endorses the goal of excluding bias from moral reasoning. Nevertheless, because she doesn't believe that one can ensure that bias has been completely eliminated, the method she proposes does not aim to attain 'an unrecognisable ideal of impartiality' (Friedman 1993, 3), but rather aspires to eliminate recognisable biases.

Friedman's argument is, therefore, based on a distinction between partiality and bias. Even if impartiality is not always required and can sometimes be considered immoral, bias is morally wrong. Since we cannot find a good way to design an impartial theory, we should aim to eliminate bias:

'My proposal is that the abstract ideal of impartiality should not be the primary reference point around which to orient methods for eliminating bias from moral thinking. Instead, our reference points should be particular forms of partiality, that is, nameable biases whose distorting effects on moral thinking we recognise and whose manifestations in moral attitudes and behaviour can be specifically identified. Our methods for improving moral thinking should then involve whatever is needed to eliminate those particular recognised biases'. (Friedman, 1993, 31)

Friedman's rejection of the ideal of impartiality is based on its lack of realism. No matter whether one takes the Rawlsian model of neocontractarianism or the Harean

model of universalisability, impartiality seems an impossible goal to reach. In the case of Rawlsian contractarianism one cannot ignore, even at the tacit level, all one's knowledge about oneself when placing oneself under the veil of ignorance. Moreover, even if this were possible, one would be left with no independent criteria with which to judge whether a decision reached under the veil of ignorance had really respected the requirement of impartiality. In Hare's work, the attempt to use universalisability as a method of judging the moral value of a principle or action encounters the opposite practical problem:

'first: what we know about the standpoints of most other persons underdescribes those standpoints. ... second ... someone's motives or preferences, even if unknown, might be very unfamiliar, alien, even despised from the stand-point of the would-be reasoner'. (Friedman 1993, 22)

Therefore, our only realistic aim is to avoid being biased, and the best way of eliminating bias is dialogue. Through dialogue, Friedman argues, people can use intersubjective criteria in to establish when partiality is an adequate moral response and when it is not.

However, Friedman leaves unclear what exactly is to count as bias. In her view, we should call moral those partial attitudes that make us especially benevolent and open towards those we love, and consider as immoral instances of bias those cases where we discriminate against strangers because of, say, a shared social prejudices about skin colour. But in some situations these commitments conflict and we act wrongly toward a stranger precisely because we have a morally acceptable bias toward a friend. Cases of

moral conflict are likely to appear whenever we have to make choices about distributing scarce resources. In such cases, it is less easy to argue that partiality towards friends and relatives is morally acceptable or even praiseworthy. Even if Friedman's argument about the impossibility of finding a method which ensures the elimination of partiality holds, we need to identify a principle that distinguishes forms of partiality which count as bias, from those which are morally valuable.

Friedman recognises that in a context of severe scarcity of resources and inequality, the consequences of care taking and partiality towards friends and kin are inadequate. But she claims that partiality is not a moral wrong in itself. (Friedman 1993, n6, 191). A way of interpreting this would be to say that it is morally acceptable to discriminate against someone (positively or not) when we have some special, personal reasons for doing so, but it is not acceptable to discriminate because we are biased against them. But in order to establish what counts as bias, we have to appeal to some principles that are independent of our reasons for preferring or disliking somebody - i.e. we need some neutral, impartial principles. To the question 'How do we found these principles?' Friedman's account cannot give an answer, because she retains an assumption that is common to the two approaches she discusses in order to prove that impartiality is not a feasible ideal.

The presupposition Friedman leaves unchallenged and which characterises both the universalist (Hare) and contractarian (Rawls) models she discusses, is that morality is based on an agreement of virtually all moral agents, and not on some objective features moral agents might or might not be aware of at a certain moment. Therefore, the very quality of moral truth is attributed to something by virtue of the fact that it is in

accordance with the acknowledged interests of the agents involved. I will later discuss this issue in more detail, and will attempt to distinguish between a consensus-based and a truth-based foundation of morality.

However, as far as Friedman's attempt to solve the question of impartiality is concerned, her acceptance of the presupposition shared by the universalist and the contractarian models - that somebody's interest is legitimate because it is based on a free choice - makes it impossible for her to find independent criteria for establishing what counts as bias (and is therefore unacceptable) and what counts as impartiality.

To conclude, the refusal to recognise principles as valuable ingredients of moral reasoning, together with the endorsement of partiality as an aspect of moral life, leads to consequences which are undesirable even from the standpoint of care ethics. The rejection of principles dissolves the distinction between descriptive and normative approaches in ethics, and therefore makes it possible to justify practices that one might find cruel and uncaring (as, for example, those present in societies where women still maintain a traditional, subordinate status). In addition, the failure to find a rule for distinguishing acceptable partiality from unacceptable bias potentially introduces an element of arbitrariness into moral judgement. A possible solution to this puzzle might lie in an attempt to distinguish between several levels of moral life, enabling us to recognise the moral worth of partiality towards those we love within a more general framework governed by impartial principles establishing the boundaries between circumstances in which people should favour the interests of close friends and give priority to the interests of close friends over those of strangers.

3. Care and Justice

The main objection that philosophers have raised against the ethic of care is that it is opposed to the demands of justice. There are two important senses in which care has been said to oppose justice. First, several writers have pointed out that embracing a care perspective will have the consequence of reinforcing the traditional, subordinate status of women. From this perspective, justifying care would reinforce the arguments that identify the social role of women as mothers and housewives and, within the public sphere, as service-providers rather than decision-makers. Because the division of labour in society is itself a question of justice, and the traditional distribution of social roles is such that women represent the majority of care-providers (whose social wealth and prestige is low) the ethic of care has been said to have the unjust consequence of reinforcing women's exploitation. This position therefore opposes care to justice by arguing that women themselves might suffer if they were to embrace the ethic of care.

A second way of arguing that the care perspective is opposed to that of justice is to point out that caring usually involves partiality towards some individual people and that partiality can develop into immoral bias¹². This argument presents actions derived from principles of justice as incompatible with those derived from care.

A preeminent proponent to the first type of criticism is Diemut Bubeck. I shall proceed by discussing her arguments, together with her proposal to transform care into a citizen's duty. I shall then take the second argument into consideration. Finally, I will ask whether one can criticise the potential dangers of care as an element of our moral life

from a viewpoint that does not refer to justice, but rather to other valuable features of human life.

Bubeck's Approach to Care and Justice

The idea that living up to the standards of care might put an extra burden on women's shoulders is not uncommon among care writers. Annette Baier has expressed it in the phrase "unsafe loves" (the title of one of her articles on care) which refers to the danger of being exploited by people we love. Marilyn Friedman and Peta Bowden also draw attention to the vulnerability of care-takers in contexts such as friendship or motherhood. For example, the interests of mothers and their children may severely collide, and this involves the risk that mothers will sacrifice their interests to those of their children. This is why it is so important to recognise mothers as persons in their own right:

'In some practices of care, namely in those in which the mother is socially excluded from any other sphere but the household, "babies" needs constantly compete with their mothers', for each becomes the whole world for the other'. (Bowden 1997, 57)

An exceptionally articulate criticism of care as a potential source of injustice is to be found in Bubeck's book *Care, gender, and justice*. Here, she argues that the recognition of care as a moral value becomes oppressive to women as long as the gendered nature of care is not politically recognised. Both in the private sphere of family and friends, and in the sphere of public institutions, women are the traditional care-providers. They are supposed to take care of children and the households, and they are

¹² see also the discussion in the previous paragraph

generally employed in positions requiring caring attitudes. Nursing, school-teaching or public relations are feminised fields, while men are generally to be found in jobs requiring autonomy and decision-making. Furthermore this division coincides with a division in social prestige and wealth, since the leader-positions are valued more highly. As a woman, therefore, one has a lower chance of gaining social recognition, and the ethic of care may be used as a tool to reinforce this state of affairs. A plausible explanation for this fact is the existence of a double work day for women, who generally have both a job and the responsibility of maintaining the household, the latter being awarded almost no social recognition at all. As long as women are expected to carry the burden of the household, the rules of economic rationality will push them towards jobs of low responsibility and prestige. Finally, these social injustices are doubled by the psychological exploitation of women, who are expected, to a larger extent than men, to provide emotional support for those close to them.

It is important to notice that Bubeck does not challenge the ethical relevance of care for moral life. By pointing out its oppressive potential for women, she introduces an element of tension into the ethic of care. How could we make sure that we can avoid oppression without dismissing the relevance of care? In a subsequent article, "A Feminist Approach to Citizenship", she proposes a way out of this dilemma. The solution consists in recognising care as a duty of citizenship. This proposal would enlarge the common understanding of citizenship, since care is to '*be included in conceptions of citizenship as a general citizen's obligation*'. (Bubeck 1999, 402). In practice, this would take the form of an obligation, for every citizen, to provide some services for the community, for example by taking care of children, the sick, the old, or the disabled.

But would this be an entirely adequate solution? I will develop two arguments to suggest the limits of Bubeck's proposal. First, her approach does not acknowledge a crucial claim of the ethic of care, namely that the scope of morality is larger than that of political morality, and covers a domain wider than that of rights and duties. If care authors are right, people have a moral obligation to care not only as citizens, but as human beings, and this obligation does not depend on the existence of institutions that distribute care among the members of society¹³. Since care does not derive its moral worth from its recognition within the polity, it is not sufficient to recognise it as a duty of citizenship. (I agree that in those cases where care already exists between members of society, designing institutions to promote it can be a good idea; these institutions - such as working for the community instead of doing military service - might be the best frameworks for learning and practicing care in the public sphere. But, in societies whose members lack any trust and shared sense of responsibility, regulating care might result in an even higher level of tension and social division. The example of these cases emphasizes that care is not only the result, but also the *precondition*, of workable institutions, and that the success of transforming care in a duty of citizenship depends on pre-existing social links.)

My second point follows from the first. If regulated, at least *some* of the caring relationships lose their moral value (one example would be friendship). It is the fact that it has been chosen voluntarily that makes care morally valuable in many situations. If individuals can be coerced into caring for others, and caring relationships are enforceable rules of their moral value disappears. Besides being practically problematic, solving the tension between care and justice in the way Bubeck proposes may therefore impose very

¹³ I will develop this argument in the chapter on "Care outside Justice"

high moral costs:

Instead of attempting to establish care as a legal obligation I shall later argue that the state rather needs to create and maintain a framework for developing care among its members¹⁴. I will argue in favour of the idea that, through adequate policies, the state can influence the moral character of citizens living under its authority. This will entail arguing against the claim that the state should be neutral in respect to the moral character of its citizens in the sense of not being interested in promoting any particular moral values¹⁵. But the encouragement of caring relationships should not necessarily be a direct one; for example, even while acknowledging the value of care as an indispensable practice, the state should not attempt to regulate it, but it should rather encourage the growth of social stability and trust which constitute the ground for practices and institutions that promote care.

Baier: Partiality and the Tension Between Care and Justice

A second way to point to the potentially unjust consequences of an ethic of care is to address the question of whether one should neglect strangers for the sake of friends and kin. Let us take an example used by Annette Baier in her paper "A Note on Justice, Care and Immigration Policy". Here, she argues that the claims of more distant applicants for citizenship should not be given less weight than the claims of, say, neighbours, because this would be unjust, if the first group of people were in greater need of asylum than the second. Baier focuses here on a possible shortcoming of the ethic of care. It would be

¹⁴ I agree that in some cases this might involve citizenship duties as those suggested by Bubeck. For example, in a society characterised by strong social trust and a long practice of self-government the legal obligation to care for the community might make moral sense.

¹⁵ as claimed by many contemporary liberals

unjust to favour the neighbour's claims, even though we might be inclined to favour those close to us, such as our own family or extended family. By contrast, justice demands equal treatment for everybody. Is there bound to be a conflict between the two ways of looking at the problem (one through care and one through justice)?

Prima facie, it seems there is. On the one hand, it seems that our bias towards those who are close to us is a sign of good moral character rather than one of moral failure. For example, if I start neglecting my old friends because I discover new opportunities for entertainment with other people, this would be a sign of moral failing. If my mother and a stranger each ask me for a particular kind of help, the fact that one request comes from my mother is a moral reason to favour it. On the other hand, justice requires that I should treat everybody's requests equally, and should therefore be equally willing to help my mother and the stranger.

Do these examples show that one cannot have a theory combining care and justice? I will argue that they do not. If we identify needs as the common basis of care and justice, we may be able to overcome the conflict between these values by accepting that needs have different weights. In some situations, the urgency of a need clearly overrides the importance we attach to a personal relationship.

Taking the immigration case, one might argue (and this is the line adopted by Baier herself at the end of her argument) that the need of some distant people looking for refuge from war or political persecution, is much greater and more urgent than the need of a neighbouring people to improve their living standards by immigrating to a more prosperous society. It would therefore not only be unjust, but also *uncaring*, to dismiss the stringent need of the strangers out of sympathy for our neighbours.

A complementary line of argument for the same conclusion suggests that, once a person or a group asks for aid which you alone can supply, they are no longer strangers to you. This is compatible with the view that, if the potential immigrants have neighbours able to accept them, their claim to be admitted to a distant country is less strong. For example, a group of immigrants from Eastern Germany in 1961 would have had a stronger moral claims to be admitted by Western Germany than by Canada or the United States. However, a theory of justice alone could not account for this difference; for this purpose, one needs to recognise the moral significance of various kinds of human relationships; a sensitivity which is part of the metaphysical foundation of an ethic of care.

The main argument against the idea that the partiality required by care is opposed to justice is implicit in the ethic of care itself. The ethic of care requires the acknowledgment of people's vulnerability and needs, and injustice is a form of neglect of people's needs. Therefore, to be unjust is also to be uncaring, and the tension between the two requirements - care and justice - is empirical, rather than philosophical.

The only theoretical framework in which the incompatibility between care and justice should be recognised as impossible to overcome would be a purely contractual understanding of morality. If one takes people's diverse interests as given, morally neutral elements, one might consider that enforcing care as a moral standard is unjust, because living in caring relations is only one possible lifestyle, neither morally better nor morally worst than lifestyles involving no close interactions and therefore no personal care at all. For such a person, any political decision justified by considerations of care would be

unjust because it would represent only the interests of those citizens who have chosen a lifestyle informed by care. As Baier expresses it in the mentioned article, this tension might be translated in terms of moral tolerance. While the proponents of the morally neutral state (generally liberals) can accept care as a entirely private, lifestyle value, those who consider care as a non-optional value may reject the individualist lifestyles as unworthy:

'Rawls can allow that progress to Gilligan-style moral maturity may be a rational life plan, but not a moral constraint on every life pattern. ... The liberal individualists may be able to 'tolerate' the more communally minded, if they keep the liberals' rules, but it is not clear that the more communally minded can be content with just those rules, nor be content to be tolerated and possibly exploited'. (Baier 1994, 25)

But what would these attitudes translate in practice? What is here the sense of 'toleration'? Is the argument about moral or political tolerance?

If it is about moral tolerance, then Baier does not identify a real problem. Let's suppose we have a liberal Rawlsian state neutral in respect to people's lifestyle. What would it concretely mean for the communally-minded not to morally tolerate individualists? In the worst case it would mean not to care for them. What would mean for the liberals to tolerate the communally-minded? It would probably mean that they do not prevent them from pursuing a conception of good characterised by care and close relationships.

A second case would be, however, that of a state which recognises care as a value that has to be politically recognised and hence promoted by state policies. In this

situations, the individualistically minded may consider as unjust to support the expenses of those policies justified by care, unless care itself can be justified as having an intrinsic moral value.

As I have already mentioned, the second chapter will develop the argument presenting an alternative to the viewpoint that morality is entirely rooted in social contract. This argument will also emphasise the intrinsic moral value of personal relationships based on care.

The way in which feminists have generally defended the view that care is not an optional, lifestyle value was by emphasising the fact that both social and personal relationships are constitutive to the moral self. It is from this assumption that the second category of objections to care arises.

The Dangers of Care Outside Justice

Most instances when care is considered to have immoral consequences are those when it is opposed to justice. But these are only some instances of "unwanted care"; the moral worth of care has been also challenged independently from the question of justice. Most care writers accept that the scope of morality is wider than the scope of justice. In this respect, Friedman's words are emblematic for the ethic of care:

'I defend the view that matters of care are not merely reducible to, or comprehensible in terms of, justice, and that justice does not, by itself, define the moral domain'. (Friedman, 1993, 4)

The moral value of care comes from the moral value of relationships; so do the moral dangers of care. Both the ones who provide care and the ones who are in the

position of receiving it are vulnerable to these dangers.

For the care-giver, care may be problematic to the extent to which the limit between generosity and altruism on the one hand and self-destructive behaviour on the other is sometimes ambiguous. For example, Bowden identifies this problem in the context of motherhood, by drawing attention upon the possibility of self loss:

'The problem is especially dangerous for those who, like many women, have had little opportunity for self-development, and who have been socialised to identify themselves in terms of other's needs'. (Bowden 1997, 39)

To express it in more abstract terms *'the ground between heroism and victimism is not easy to divide'*. (Bowden 1997, 39) The ones who care may misrepresent their own limits of caring and, pushing themselves over their own limits, end up by being morally harmed.

But care may also become objectionable from the viewpoint of the one who receives it. Authors like Friedman and Baier express this concern. Friedman notices that, since friends are sometimes our main moral guides friendship may become the main source of misguiding as well. Baier argues that the most general form of care, which is trust among society members is the best ground on which betrayal can grow, while love, which is based on the most care has an ambiguous nature and can sometimes bring as much pain as happiness.

The same argument I suggested for the discussion of care and justice can apply here as well. Care that is misused or misunderstood should not be called care anymore. The one who cares should probably care for herself — or himself — and therefore avoid being severely prejudiced by her own care. The ones who receive care can be considered

cease to be cared for when abused, suffocated or betrayed.

In conclusion, the shortcomings of care seem to be coming from the limits of our practical knowledge (about how and when to care) rather than from a philosophical incompatibility between care and morality.

Chapter Two: Care and the Ethics of Rights and Duties

1. Human Nature, Needs and Care

Introduction

Most of the daily situations in which we interact with people provide us with occasions to show care or, on the contrary, to refuse to show it. A whole range of caring examples can be given, ranging from contexts where we decide to be kind instead of limiting ourselves to cold politeness, or where we offer unsolicited help to other people in seemingly trivial issues, like keeping the door open for somebody who is carrying something, to situations in which care is a systematic, sustained effort, like those in which we deal with children, disabled people, or friends in need. Whether in a discreet or obvious manner, we have a choice between caring and not caring in almost all everyday contexts in which we interact with other people. Now, the question is what, if anything, makes caring a moral issue and what is the relationship between caring, on the one hand, and justice on the other? In other words, what is the link between care and the central concepts used by contemporary writers who take justice to be the centerpiece of morality?

In this chapter I will argue that care is essential to morality in two ways. In an epistemic sense, care can be understood as a means of interpreting rights, and principles of justice, in concrete contexts. In order to make sense of abstract principles, we need to be able to provide interpretations of the concepts those principles contain. To interpret rights, and thus to apply principles of justice, one has

first to answer questions such as: 'What is it to protect one's privacy?', 'What counts as privacy?', 'What is it to meet somebody's right to minimal welfare?', 'Or to education?', 'What is the minimal level of education one has to achieve in a certain society in order to have equal opportunities in that society?' and so on. I will develop the claim that care can be understood as a disposition which enables us to make sense of these concepts, and answer questions such as these.

The second way in which care is important becomes visible when one looks outside the domain of justice. Do rights, and, therefore, justice, exhaust the moral domain? Or do we need other concepts in order to give a full account of morality, concepts such as imperfect duties and care? Following Onora O'Neill's constructivist approach, I will argue that obligations form the basis of moral life, while rights are only their moral and legal counterpart. Yet in the case of some obligations, no corresponding rights can be found; in these cases, I will argue, care is an essential pillar of moral life. In this chapter I will develop the second point first. The role of care outside the domain of justice will be analyzed in more detail in the third chapter, which deals with care and the ethics of virtue.

Among existing attempts to deal with the nature and role of care, the closest to my account is probably Anette Baier's analysis of the association between trust and 'women's morality'.¹ She is arguing that liberal theories of justice cannot give a full account of morality because they concentrate on models in which obligation springs out of the social contract; and in which, therefore, the trust that enables people to cooperate is entirely the responsibility of the state (which is in charged with guaranteeing that the contract is observed). But even if some part of morality depends on the enforcement of laws, this can by no means be the end of the story:

¹ As it is developed in the chapter "What Do Women Want in a Moral Theory?" of her book

'undoubtedly life will be nasty, emotionally poor, and worse than brutish (even if longer), if that is all morality is, or even if that coercive structure of morality is regarded as the backbone, rather than as an available crutch, should the main support fail'. (Baier, 1994, 30)

The main support she is referring to, which enables people to enter contract, is precisely the trust they place in one other. This moral infrastructure of a society, which is created through close relationships between people, can be best understood in terms of care.

However, before developing these arguments about the relationship between care and justice, an initial and more general account on the relationship between care, needs, duties and rights is required. In this account, the concept of 'need' will be a crucial one. Various philosophers have pointed out that needs are the central element of the ethic of care, since they represent the fundamental reality to which people are supposed to respond with caring attitudes. But how do both needs and care relate to justice? Where does their moral relevance come from? Even if care is found to have genuine moral value (as opposed to being mere instrumental value for implementing justice), one might argue that any moral issue concerning care can be (better) formulated in terms of rights and duties².

In order to argue that care is irreducible to rights and correlative obligations, I will show that the scope of morality is wider than the scope of justice. If morality is conceptualised entirely in terms of justice, rights might be the common denominator of all instances of morality (and the presumption is that any moral requirement can be translated into the language of rights). By contrast, if morality is understood as springing from a deeper level, - such as a conception of human nature, one can

conceive of an account of the scope of morality which is wider than that of rights, and also comprises values considered, from the viewpoint of justice, as 'private', or life-style values.

Moral Theory and Human Nature

I shall therefore start my own account on care with a discussion of human nature, understood in terms of universal needs; and will argue for the possibility of deriving moral conclusions from an account of needs. How, though, can one justify this choice? Why should one take needs as the starting point for constructing an account of morality, and of the place of care within it? My argument for taking universal needs as the basis of morality will be closely connected to a certain representation of personal identity.

This account of ethics cannot entirely avoid relying on a certain metaphysical assumptions, since it involves an understanding of personal identity and of the role played by human relationships in creating it. But some dependence on metaphysics is necessary to ethics. For example, it also afflicts contractarians model (such as the Rawlsian one)³. The presence of a metaphysical element might be regarded as an objection. However, any moral theory has to make some assumptions regarding human nature and the question of identity. The question of how human nature and individual identity is perceived within a moral theory might, indeed, be an unavoidable one.

² Lawrence Bloom, for example, has discussed the possibility of understanding care as reducible to rights and duties. See his article Gilligan and Kohlberg: Implications for Moral Theory in *Ethics* No.98, April 1988

³ In his book *Political Liberalism* John Rawls claims that liberalism as a political doctrine is non-metaphysical. However, his claim was challenged by many, and this problem has been expressed by Onora O'Neill in the following form: *Can any form of liberalism, even a limited merely political form of liberalism do without metaphysics of the person?* (O'Neill 1997, 412)

To explicate the relevance of needs as a basis for morality I will begin by contrasting two alternative understandings of identity. The first, of which self-sufficiency is the central feature, is to be found in most liberal theories, and especially in contractarian ones. These start from the assumption that people need each other only for prudential reasons, and that living in society is a better option than living outside it only because this maximizes utility. Such an approach makes it difficult to understand how questions about lifestyle and life plans can have any moral relevance. According to this representation, the mutual need people have for each other is reduced to the fact that, together, they can satisfy their material requirements and meet their need for security, and that, after redistributing these goods each will be better off than one would be if one would chose non-cooperation with others. In this case, all we could reasonably be required to do would be to make sure that nobody took advantage of social cooperation to the detriment of somebody else.

Reference to needs is not absent from this viewpoint, but it plays only a secondary role. For example, Rawls' theory takes primary goods as the resources to be distributed according to the principles of justice. He argues that the primary goods consist in basic liberties, mobility, social opportunities, income, wealth and the social basis of self-respect. Obviously, the reason for which these goods are so valuable is because they meet our basic needs of material and spiritual survival. But on this account, the relationship between individuals and their needs is 'external', in the sense that not meeting one's need is considered to affect one's well-being, but not one's identity.

To this view, one can oppose an understanding of personal identity as constructed through human interaction⁴. If we make the assumption that people are, in

⁴ I avoid using the expression 'socially constructed' because I do not intend to support the idea that we are entirely, or fundamentally, the expression of our culture's beliefs, sensibility and ideologies. This

the first instance; only a raw material - a sum of potentialities rather than given identities - and that their options, tastes, behavior, and the very way they experience their life and make something out of those potentialities, depends on the human environment they live in, then the demands placed on morality become much more complex, and its scope becomes much wider. This second representation of personal identity takes a more extensive view of peoples' needs, because each person's development depends on their needs being met by other people. Meeting needs is, then, a necessary condition of each person's growth, and identity is continually shaped by other people as well as by institutions and, in general, by the cultural heritage carried and, hopefully, enriched by communities. If what people are is conditional on other's response to their needs, it follows that needs themselves are not morally neutral. The moral significance of needs is, therefore, closely linked to identity.

It is important to note that this second representation of identity can be reconciled with the ideal of autonomy as long as what somebody becomes is, in the last instance, conceived as their responsibility. Autonomy and inter-dependence need not contradict each other. On the contrary, perpetual interaction with other people and values gives a person the chance to define herself in a self-conscious, autonomous way.

Some writers on the ethic of care have indeed been criticised for having confused autonomy and independence³. However, their critics have generally assumed that, if a person is to be independent, their identity cannot be defined by their relationships with others. Independence means denying the crucial place of relationships and needs in defining one's identity, while to be autonomous is to refuse

would lead to the conclusion that we cannot criticize or take distance from these components. On the contrary, I will argue that the very possibility of moral and social criticism lies in the fact that people become what they are due to the intense interaction they are in with their parents, teachers and friends. This interaction introduces the element of dynamism that makes change possible.

the total subordination of oneself to a particular relationship or even to relationships in general. Autonomy does not necessarily presuppose independence.

On the one hand, confusing the two leads to the conclusion that the gap between liberal ethics and the ethic of care is deeper than it actually is. Thus, when Tronto claims that the autonomy of the liberal subject prevents liberal theorists from recognising that people are vulnerable and needy she, mischaracterises liberalism, whose values, as we have seen in the case of Rawls, make sense precisely because they respond to our most basic needs. What liberalism seems to overlook, from the viewpoint of the ethic of care, is not the existence of needs as such, but rather the *extent* to which needs and interaction with others is a constitutive part of our identity.

On the other hand, confusing autonomy and independence will attract a serious feminist criticism to the ethic of care. If endorsing care as a fundamental moral value means rejecting not only the idea that we can define ourselves without reference to our relationships, but also the ideal of autonomy as such, then one can argue that the ethic of care is rather an antifeminist position that justifies the present status quo of women as subordinated to men.

To conclude, the liberal characterization of identity includes both autonomy and independence. While it does not deny the needy nature of human beings, or the relationships people have to each other, it denies the essential role of these relationships in understanding identity, and therefore underestimates their importance for ethics. By contrast, the ethic of care presupposes an inter-dependent subject whose autonomy is possible only within a web of relationships.

⁵ see Devaux, 1995 b, 89

The attempt to ground an account of morality on a concept of human nature may also be rejected on the grounds that it is bound to commit the naturalistic fallacy. How can values, in this case moral values, be deduced from mere facts about human needs? Some philosophers, such as Alasdair MacIntyre, have claimed that an argument from needs to moral values is indeed possible, because needs are a special type of facts, carrying normative charge. These philosophers have criticized the standard interpretation of the naturalistic fallacy, as I shall show in the succeeding section.

The Question of the Naturalistic Fallacy

The problem of the logical relationship between facts and values originates in the work of Hume who, in a passage of his *Treatise on Human Nature*, claimed that one cannot correctly deduce moral from non-moral knowledge. The (im)possibility of deriving 'ought-statements' from 'is-statements' or vice versa has been an important element of moral philosophy, especially since Kant, whose ethics has been regarded as a model of anti-naturalistic thought. The debate about this issue underwent a revival in the second half of the twentieth century. Out of this discussion emerged a new interpretation of the proper relationship between facts and values. Here, I shall discuss the contribution made by two arguments to the understanding of the link between morality and needs. An argument offered by John Searle's shows that, once we have some established moral institutions such as the institution of promising, we can derive statements of value from statements of fact. However, Searle does not give (or attempt to give) any reason for preferring certain moral institutions over others. There is still a step to be made between facts and the choice of particular institutions.

This gap can be filled if we accept Alasdair MacIntyre's claim that values can be deduced from a particular type of facts - namely those about human interests.

I shall first develop what seems to me to be the most fruitful aspect of MacIntyre's article: his claim that, even if moral statements are not entailed by non-moral statements, this does not mean that there is no possible logical relation between the two categories. By criticising the idea that an argument is either deductive or defective, and by recognising the theoretical relevance of induction, one can arrive at a more modest position of accepting, instead of a logically compelling deduction, a well justified, if not irrefutable, inductive inference.

According to MacIntyre, Hume does not claim that it is impossible to derive moral claims from non-moral ones; rather, he claims that this is a very *difficult* task (as opposed to a logically impossible one). Inferences of this kind require a special type of non moral grounding, which can only be provided by appeal to what people want, need, or have an interest in⁶.

How could one make sense of this suggestion? What could such a deduction look like? In its strongest form, it could move from premises:

'Xa, Xb, ... , Xn have an interest in A'

to the conclusion:

'They should pursue A'

This conclusion would not, however, be entailed by the premises, since one can always imagine that in the future cases of strong disagreement about values might arise. The inference is therefore inductive. However, under the given circumstances (i.e. as long as there are no strong disagreements), the conclusion follows from the premises and is better grounded than any alternative conclusion such as "They should

not do A" or "Doing A should be indifferent to them". The weak logical status of this argument imposes lots of limitations regarding the general context in which the inference is made and the circumstances in which the conclusions follows. Nevertheless, faced with the necessity of making practical decisions, one would choose this way of weakly grounding moral values.

But how far can the rejection of the naturalistic fallacy go? An even stronger claim for the possibility of deriving 'ought' statements from 'is' statements has been made by John Searle, in his article "How to Derive 'Ought' from 'Is'".

Searle's article can be divided in two parts, of which the second is most relevant here. The first part undermines the is/ought distinction by offering a counter-example, i.e. by trying to show *how* we can deduce an evaluative statement from an empirical one. The second part explains *why* it is possible to deduce values from facts, what is the explanatory framework of such a possibility. In this section of his argument, Searle seems to take into account MacIntyre's interpretative suggestion that there is a particular type of facts that can imply values, namely those referring to people's interests. However, he takes a further step by introducing into the discussion the question of institutions⁷, and the implicit idea that morality is largely a matter of human agreement and convention. This approach is quite in the spirit of Hume and also makes sense of MacIntyre's reading of him.

Searle argues that we can deduce the conclusion "Jones ought pay Smith five dollars" (a value-statement) from the premise "Jones promised Smith to

⁶ For the time being I am reconstructing MacIntyre's argument, therefore using his own terminology. Later I will argue that not all interests and desires are relevant for this aim, and I will attempt to circumscribe the notion of 'need' I am using.

⁷ We should note the difference between two kinds of institution (S doesn't do it, unfortunately): the ones that have and the ones that do not have a moral component. The point is that in the first case, of chess or football for instance, it would be absurd to challenge the constitutive rules, while in the second case this is legitimate and indeed often occur.

pay him five dollars" (a statement of fact). Formally speaking, there is an ambiguity in the first step of Searle's argument: the step from:

- (1) Jones uttered the words 'I hereby promise to pay you, Smith, five dollars'.
to (2) Jones promised to pay Smith five dollars.

If (1) is indeed a descriptive statement, the fact of promising is here seen from 'outside' (Searle himself mentions that there are two ways of formulating the statements in his chain : as an anthropologist describing gestures and utterances or as somebody who accepts the institution of promise).

The step to (2) is then only possible if we add a second premise, which should formally be something like "There is a legitimate institution of promising", whose sense is identical to the sense of the sentence "One should keep his promises" (in the non-tautological sense as Searle argues).

However this introduce a statement of value into the premises.

If, by contrast, (1) is considered 'from within' the institution of promising, so that it has an in-built evaluative component (which does not change its status of being a fact, but not a value-neutral one), it can imply the evaluative sentence (2) without contradicting Hume's principle. However, on this interpretation Searle has not succeeded in inferring value from fact.

Again, following MacIntyre's suggestion we should be able to deduce the institution of promising itself from some facts, about common human desires or needs. But this will not be a "strong", logical deduction (an entailment); rather, it will be a 'milder' form of justification (the best available solution).

Searle explains the possibility of deriving 'ought' from 'is' by referring to that part of human life which takes place within institutions. He challenges the clear cut distinction between descriptive and normative assertions by asking us to consider the

status of a sentence like 'X promised something to Y.' In this case one cannot disentangle the descriptive from prescriptive content, because the identity of the described fact is given by the constitutive rules of the institution of promising. (Without this institution, Searle notes, Jones would be only uttering some sounds and making some senseless gestures). The conclusion is that, where *constitutive* rules⁸ are at stake, we can derive 'ought' from 'is' when we are *within* the institutions referred to.

However, although Searle's argument proves that we can deduce obligations from facts once an institution has been established, it doesn't evaluate the particular institutions that exist. Hence, the question "Why should one respect promises" is still legitimate, as an external question - as long as we place ourselves outside the institution of promising. The question which is left unanswered is why people have established the institution of promising and not another institution - let's say the institution of *promiring*, defined like this: if X promises Y to do A, X has to do A provided that Y reminds X periodically of this duty. Why do we have, in our society, the institution of promising, and not that of promiring? (The same question can be asked in respect to every moral institution.) Is it something about the facts of our life that made us establish the first, and not the second, i.e. can we deduce the obligation to keep our promises from mere facts? And if not, where does the legitimacy of this moral principle come from? I claim that the facts that should determine the choice of moral institutions are the acknowledged universal needs.

Nevertheless, Searle's argument is extremely helpful in showing how important moral institutions are, and how inclined we are to make them a 'second nature'. The deeper question left unanswered by Searle's account is which, out of several possible moral institutions, should become our second nature?

⁸ Constitutive rules are those rules that make possible new events; the paradigm here could be, for example, chess - one cannot play chess before the rules of chess had been established. They are defined

Going back to McIntyre's suggestion, we could say that, even if it is not entailed from facts, the moral principle of promising can be based on human needs. The Kantian way of justifying the universality of this principle is, in a sense, based on human desire for predictability and cooperation: I should keep my promises because the imperative "One should keep one's promises" can be universalised; but it can be universalised only if there is a general interest in people keeping their promises.

Is it possible to imagine people not having this interest, but rather opting for the principle of promising (as a general rule, and not at a certain instant)? I think that, in certain conditions, it is⁹.

If we can derive 'ought' from 'is' via needs, then we also have to reach an agreement as to what the most important needs (in a certain cultural context) are. It is essential to note that this strategy attempts to base moral requirements on a thin idea of human nature. This idea would be sketched by the enumeration of people's general needs, including their aspirations and potentialities for development. We now have to specify what counts as a need to which care is a genuine moral response, and what should rather be labeled rather as 'desires', which are neither as morally compelling as needs nor morally neutral.

Needs and Desires

As a first attempt to define them, needs are *'the means required for the attainment of urgent ends that are widely if not universally desired'*. (Galston 1980, 163) In my account, I will use a concept of needs which makes them in some cases as culturally bound, even if they are the core of human nature. Needs can be either

in opposition with regulative rules, whose function is only to regulate some pre-existing behavior.

⁹ For example, let's imagine a very small society, where people know each other personally, have a richness of resources and also have very individualistic, independence-oriented sensibility. They might prefer the institution of promising over the institution of promising.

natural and universal (such as the need for food or for sleep), or universal but having a expressed in a culturally dependent way (for example the need for intimacy, which an inhabitant of a Middle Ages village represents differently than a contemporary individual living in a big city). Many needs are so local and specific (such as one's need for a coffee in the morning) that it seems difficult to subsume them to any universal need. Such examples are the needs generated by habits. These types of needs might be considered as a subclass of universal needs that are culturally formed. One could argue that people have a general need to develop specific life-style habits. Even if each of these habits, taken separately, might seem unimportant, the very existence of such habits represents the network of comfort that actually assures a good emotional, intellectual and physical functioning in everyday life.

To claim that the basis of morality is provided by an account of human needs is to claim that the recognition of needs provides us with compelling moral reasons for action. This is why it is important to be able to distinguish between needs and other forms of wants, which may sometimes provide moral reasons, but which carry less moral weight.

Needs have to be therefore distinguished from desires. For example, it seems intuitively plausible that a drug-addict undergoing detoxification care might have a strong desire to take a dose, but this will not normally count as a need.

What criteria are to be used to establish whether something counts as a need or as desire? Authors like David Miller argue that, while desires or interests are psychological states, and therefore subjective, a need *'is not a psychological state, but rather a condition which is ascribed 'objectively' to the person who is the subject'*. (Miller, 1976, 129). The fact that desires are subjective and needs are objective helps

to explain, in Miller's view, why needs impose duties on us, while the existence of a desire does not imply any obligation to meet it.

Elaborating this distinction between needs and desires, Miller suggests a definition of needs as related to a life plan. To identify a person's needs, *'it is necessary first to identify the aims and activities which are central to that person's way of life'*. These aims and activities can be referred to as a 'life plan'. They derive their significance from the part they play in constituting a person's identity since, without them, one *'could hardly be regarded as a person in the full sense'* (Miller, 1976, 133). The link between having a life plan and being oneself consists in the fact that, part of the answer to the question 'Who are you?' should refer to one's life plan. (Miller, 1976, 133).

Some activities are essential to realising life plans, while others are not. Miller uses this distinction in order to separate needs from desires. What counts as a need has to be connected to those activities which are essential to one's life plan: *needs must be understood to comprise whatever is necessary to allow these activities to be carried out* (Miller, 1976, 134). Of course, people engage in many activities which are not closely connected to their life plans, and they want things that are not instrumental to, or part of, their life plans. This is how the borderline between needs and desires is set:

'When we say that a person wants something which he does not need, we imply that that which is desired, although possibly a source of pleasure, is not a necessary part of that person's plan of life'. (Miller, 1976, 134).

The assessment of needs rests therefore on a largely empirical basis. However, to the extent to which deciding what counts as a life plan is not an empirical question, there is an evaluative element involved. Life plans can be very diverse, and Miller

accepts that the life plan of an European intellectual and that of a Russian peasant, for example, might not have much in common. In consequence, the needs of the two are different. Nevertheless, what all life plans have to have in common in order to be considered life plans is intelligibility. For a life plan to be intelligible to me it is necessary that I understand why it is meaningful and valuable to the person who holds it, even if I do not consider it valuable myself. If an activity does not meet the criterion of intelligibility, it cannot be part of a life plan, and no needs can be attached to it. To take Miller's example, we would not say that a pyromaniac who systematically attempts to start fires needs matches, since we cannot understand his activity as meaningful.

Miller's concept of a life plan is by no means unproblematic. A first criticism it has to meet is that the criterion for identifying what counts as a life plan is *either vacuous or substantively arbitrary* (Galston, 1980, 167). Going back to Miller's own example, one can perfectly well understand the wish of a pyromaniac to burn things, by appealing, for example, to a psychoanalytical explanation. However, even if we understand this much, we may be unwilling to agree that the pyromaniac's activities can be called a life plan. The reason for dismissing the pyromaniac's desire is that we do not believe it is valuable, and therefore '*intelligibility provides a cloak for moral judgments*'. (Galston, 1980, 167). A further point that supports Galston's criticism of Miller is that a common strategy to dismiss a plan of life as useless is to explain its appeal in terms that are alien to the individual who holds it. Let us take, again, one of Miller's examples of acceptable life plans, namely that of a peasant living in nineteenth century Russia. As Miller points out, religious needs are a core element of the peasant's life plan. But religion itself has sometimes been interpreted as a substitute, a distorted way of meeting needs which are not genuinely religious needs.

If this claim about religion were to be true, it would undermine the value of religious needs. Thus, intelligibility as such is not sufficient for us to accept the legitimacy of a life plan. In order to call it a life plan, we also have to recognize its objective value.

The second difficulty facing Millers' attempt to define needs by reference to life plans is a familiar utilitarian problem. His account expands the concept of need in an unacceptable fashion. As Galston points out, Miller's argument makes room for the possibility of a 'need-monster' whose life plan is designed in grandiose terms. The monster has greater needs than most people, and therefore a special entitlement to resources that others can not claim. I shall argue that whether this unequal entitlement can be regarded as justified depends, again, on the value a community attaches to the grandiose life plan in question. Let us compare two examples; first, a physician whose life plan is to discover the cure for a disease, and second, a person who's life plan is to enter the Guinness Book of Records for having traveled by foot around the world. It might be the case that the activities essential to the two life plans require equal resources, and therefore that the two persons make equal demands (at least in material terms). However, we would probably not admit that the two have the same entitlement to their community's resources. Unless he leaves open the possibility of comparing and ranking life plans, and provides criteria for doing so, Miller's argument will have the odd consequence of allowing that, the more daring one is in setting one's life plan, the larger the share of resources to which one is entitled.

Finally, my own criticism to Miller's approach derives from the fact that people very rarely have a coherent and unique life plan. Indeed, one could argue that those who lead their life with a clear idea of where they are heading and a clear hierarchy of aims, are rarer than those who do not. Quite often, a person has several conflicting life plans, or, if asked, he or she could not give a verbal account of the

aims and activities that give their life a sense, even though they do not feel that their life is aimless.

The attempt to define needs in the way Miller proposes excludes from the start several categories of people, including children, (or at least small children), and people with serious mental or psychological problems who cannot be said to have a life plan in Miller's sense. This conclusion is extremely counter-intuitive, since both children and ill people are usually considered to be among the most needy individuals. Moreover, there are some widely recognized universal needs, such as the needs for food, shelter and security, which seem to exist independently of whether the person in need has a life plan or not. To take an extreme example, imagine a person who does not have any life plan and who admits to having lost any sense of what is important for him or her. If Miller's argument is correct, we should say that this person has no needs, while what we should normally be tempted to say is that this person has an urgent need to be helped out of her current situation.

Appealing to the idea of a life plan provides the conceptual gain of distinguishing needs from mere desires. How can one preserve this gain and avoid, at the same time, the criticisms to which Miller's discussion of life plans is open? I will argue that the idea of understanding needs in relationship to life plans is indeed very helpful. My own suggestion is that we should make a further distinction between needs that are external, and needs that are internal to a life plan.

Before explicating this distinction we first need to clarify what counts as a life plan. I will refer to life plans as sets of commitments and attachments to certain values and individuals, rather than to a definite set of social or economical goals. Losing one's life plan would therefore mean losing these commitments - as opposed to losing or changing the objective conditions of one's professional or social life. This way, 'life

plan' is a minimal concept and it is easy to argue that most people have one. Moreover, having a life plan counts as a need in itself, since it is an obvious psychological truth that people are miserable unless they feel committed to some ideals, no matter how abstract or vague.

I will call a need 'external' if a person is only able to design and purchase a life plan at all once that need is met. These needs are universal, even if some of them are culturally expressed, and they include the needs for food, shelter, security, medical care and education. One might argue that all of these needs are expressed in culturally-specific ways, since what a particular person in a particular context needs is not, for example, food or medical care as such, but a certain kind of food or medical care, delivered in a certain way. I will later argue that these are the needs which are most likely to generate rights, both because they are universal and therefore easier to regulate, and also because of their importance as preconditions of forming a life plan.

The second type of needs are 'internal' to life plans and are those described in Miller's account. They too carry a normative claim to be met, but to a lesser extent than do 'external' needs. Thus, providing people with the quantity of food necessary to keep them alive is more urgent than providing a painter with tools or a sportsman with sports equipment.

The difference between the two types of claim lies not only in their relative importance, but also in the persons against whom the claims are made. In the case of external needs, it is the society or community as a whole - through its institutions - that is responsible for meeting 'external' needs. Designing institutions which take care of this task is both necessary - because of their importance - and possible - because of their universality.

In the case of 'internal' needs things look more complex. In as much as our life plans are socially embedded, our internal needs are met through social and economic arrangements. For example, the painter's life plan depends on the existence of paint manufacturers. But who is supposed to meet those needs that are internal to our life plans? Since they are specific to individuals, it does not seem that any institutional scheme would be capable of doing so. The answer to this question should be looked for in a feature which most life plans possess, but which Miller does not discuss at all, namely in the fact that, to a large extent, our life plans refer to and include other people. We do not engage in life plans alone, but together with others, who, in turn, depend on us in performing the activities and attaining the goals that are essential to them. Some of the claims deriving from 'internal' needs therefore fall on those who participate in our life plans and some of *their* 'internal' needs are to be met by us, in as much as we (as individuals) are part of their life plans.

This way of defining needs permits us to maintain the distinction between needs and desires without having to face the three types of criticism mentioned before. As a first approximation, those wants which are neither preconditions for having a life plan nor essential for bringing about a life plan would qualify as desires.

The first and second objections (concerning the evaluation of life plans) are avoided by the conclusion that the only needs that have to be recognized by everybody are those external to life plans. These needs are still defined as preconditions for life plans, but independently of their content, which eliminates the evaluative element of assessing the worth of a certain life plan. All that has to be recognized is the worth of being able to have and to live accordingly to a life plan. As for the value of a particular life plan and the needs internal to it, it needs only be recognized by those involved in it. It is true that some life plans engage the whole

community and that, to the extent to which the community accepts it as valuable, it is obliged to meet the needs that are both external and internal to it. This is the case with the physician who works on discovering a cure, and it may be the case with the painter who needs tools - if his work is perceived as valuable. It might however not be the case with the person who decides to enter the Guinness Book of Records by traveling around the world, if her community does not accept the value of her project. In this case the needs internal to her life plan make no claim on common resources.

As for the third objection to Miller, accepting the existence of needs that are external to life plans - and, moreover, a prerequisite of them - enables us to avoid counterintuitive conclusions about what should be called a need and who counts as most needy. It allows us to say that children or sick people, for example, are more needy than healthy adults, because they depend more on society for the satisfaction of their 'external' needs.

There is, however, one problem which cannot be solved by distinguishing between needs that are 'external' and needs that are 'internal' to life plans. The changing and rather confuse nature of people's life plans makes it difficult to define, in some cases, where the border between the two sorts of needs and thus between needs and desires lies. This problem arises from the fact that needs have been defined as essential to life plans, whereas desires have not. It is often difficult to determine with precision what are the activities that are essential to a life plan. Does my wish to go to cinema count as a need or as a mere desire? Maybe going to the cinema in general is part of my friend's life plan of enjoying different forms of art, so that going to the cinema today is arguably a need for her. However, in a particular instance, the desire to go to a movie might be unrelated to her general need to experience art, and might instead be a pretext for evading something else, such as preparing for the next

day's exam. I will come back to this problem shortly in order to suggest a practical solution to it.

Care and Needs

Care is a mixture of both tacit and explicit knowledge, attentiveness towards other's needs and willingness to respond to those needs for the sake of an agent's own good. The difficulty of identifying needs plays a crucial role when it comes to care, because the care-taker is supposed to assess needs correctly and, at least in some situations, to avoid confusing them with mere desires or interests. When a mother is in danger of overfeeding her baby, who seems to cry for food, or a doctor has to refuse to prescribe sleeping pills to a patient who is complaining of insomnia and asks for them, or a friend has to refuse to listen again and again to a string of complaints and self-pity from somebody who seems to 'need' to endlessly go over them, the importance of the distinction between needs and other types of want becomes obvious. A crucial element of successful care lies in distinguishing the real needs from desires that can mask these needs. In my examples, the underlying needs might be for more affection, in the case of baby, for stress relief in the case of the insomniac, or to take a decision, in the case of the upset friend.

At this point, the question arises of whether one is supposed to respond with care only to needs, or both to needs and desires. As was previously pointed out, we usually assume that needs carry more normative force than desires and I have argued that needs, in turn, can be divided into two categories: those which are 'external' to life plans, are universal, and constitute the very conditions for designing life plans; and those which are 'internal' to life plans and therefore are culturally variable. The

normative power of the first category overrides the normative power of the second. Thus, meeting the need for food takes priority over meeting another person's need for specific tools. But what about desires? Intuitively, one might argue that caring for people is not only a matter of focusing on their needs, but should also extend to their desires - at least in some situations. The conceptual framework used here can account for this intuition. In Miller's definition, needs are essential to pursuing life plans, while desires are wants that are inessential to life plans. The problem with this distinction is that it is too sharp, and cannot account for those situations in which someone's life plan is confused or undergoes drastic changes, because in these situations it is no longer clear which activities and wants are essential and which are not. Needs that were essential for the old life plan can look trivial if related to the new one.

This is why, instead of dividing the terrain strictly between needs and desires, we should allow that one shades gradually into the other. Even desires that seem trivial, when compared with crucial needs, (such as the desire for a special dinner) might find a place in one's life plan, if we assume that most people's life plans include enjoying a certain amount of comfort and hedonism. Therefore, responding to desires with care is, in many situations, morally worthy, even if not as urgent as responding to needs.

There are, however, situations in which a particular desire is not simply less important than a need, but goes against the values and ideals that constitute a life plan. Identifying these instances might be problematic because, as we have seen in the example about going to cinema, the same want may be more or less essential to a life plan depending on the circumstances.

How are we supposed to identify the gradual importance of desires, as well as those desires which are going against one's most important goals?

An instrumental criterion for deciding, in each particular instance, whether a wish is consistent or not with one's life plan, is provided by the distinction between first and second-order desires. This distinction, influentially drawn by Harry Frankfurt and it is based on the idea that it is a peculiar characteristic of human beings that they may want to be different from what they are, in the sense that they may want to have or not to have a certain desire:

'Someone has a first-order desire when he wants to do or not to do such-and-such, and [...] he has a second order desire when he wants to have or not a certain desire of the first order'. (Frankfurt, 1971, 7)

Applying this distinction to our case, we could say that a desire is harmful to a life plan only if the subject has a negative second-order desire attached to it - i.e. when she or he wishes not to desire a particular thing. Going back to my example, my friend's wish to go to a movie can in a certain situation be related to her need if she also has a second-order desire (she wants to desire to go to the movie), or it might count as a desire which is harmless to her life plan if she doesn't have any second-order desire attached to the first-order one. In both cases, caring for her would mean not to resist but rather to respond to her desire. However, if in a particular case she has a second-order desire *not* to want to go to cinema, a caring attitude implies resisting her first-order desire (to go to the movie) and supporting the second-order one.

It might be argued that this example is too simple and that the distinction between first and second order desires is not always that edifying. As we have already seen, deciding what deserves to be called a life plan has an important evaluative aspect. For this reason, finding the dividing line between those 'internal' needs that

can entail moral conclusions and mere interests or desires that have less normative power will have to face the objection of begging the questions. When one decides what counts as an ethically significant need, and not as an arbitrary or even harmful desire, one already employs a certain criteria of evaluation. Even if in most cases the distinction between first and second order desire can be a way out of this problem, one can imagine situations in which the agent claims having both a first and a second order desire for something all other people would find harmful. For example, let's take the case of a drug addict who claims that he has a second-order desire for drugs (which is, that he doesn't mind being on drugs) because he feels more creative in this state. Should his claim be enough reason for us to accept his desire for drugs as a need? Would this entail that responding with care means providing him with drugs? What other reasons could help one decide in this issue? Maybe the quality of what this person produces when he is in drugs, or maybe his complete lack of regret that he is dependent on drugs? In some cases, it might be just impossible to decide what are the 'true' needs, unless one is already working with a concept of human flourishing, or with an idea of what counts as human fulfillment and what is self-destroying or moral irrelevance/neutrality.

In conclusion, distinguishing needs from desires in a particular context is a difficult task. However, in most cases the distinction between second and first order desires should be able to help one to identify needs which carry more moral weight than desires from desires that carry *some* moral weight and from desires which, because they run against needs, carry no moral weight at all.

This analysis exemplifies a long-emphasized characteristic of the ethic of care, namely its sensitivity to context. As we have seen, caring for somebody is impossible

if one's moral knowledge is limited to abstract rules, no matter how detailed they are, but has to include a great amount of practical knowledge about those who are involved, their needs and desires, and their general circumstances. The fact that one and the same expressed wish - such as the wish to go to the cinema - can count as a need, as a harmless desire, or as an irrational desire, shows why care, at least when it is involved in relationships between equals, presupposes a high level of communication.

Because it is so context-sensitive, identifying care can sometimes be problematic. What counts as care might be difficult to establish, since it can not be described as consisting in certain, more or less fixed types of behavior, but, on the contrary, in the capacity to adapt one's attitudes and actions to different people or situations. Indeed, people often disagree as to whether a particular action, attitude or piece of advice can be considered caring or not, and resolving the dispute rests on the capacity of those involved to develop inter-subjective criteria.

It follows from this argumentation that my account focuses on the epistemic interpretation of care, rather than on care understood as a form of labor.

2 Care and Justice

Care, rights and duties

Taking care of somebody should, in the first place, involve contributing to somebody else's growth and development, where this is partly a matter of their moral growth and personal autonomy. Autonomy is an essential part of the capacity to design a life plan; indeed, being autonomous and having a life plan are partially co-

extensive. One cannot become autonomous unless one's basic needs are satisfied, and for this reason, autonomy has to be understood as one of the most important 'external' needs. In this sense, care is the most direct, immediate response to needs, both to those which are external, and to those which are internal to life plans. But, as we have seen, care is difficult to guarantee. It has to be related to rights and duties if the fulfillment of needs is to be ensured.

The conception of rights and duties that can best be accommodated with the ethic of care takes obligations as fundamental. I shall follow Onora O'Neill's constructivist approach, and will argue that, while care is the most immediate way of responding to concrete needs, rights are the legal counterpart of those needs whose recognition and protection can and should be offered by institutions such as the state. I shall also defend the view that duties are logically prior to rights; as O'Neill argues, while it makes sense to speak about duties with no correlative rights attached, it does not make sense to speak about a right for which there is no agent who has the duty to observe that particular right.

O'Neill's approach to the relationship between rights and duties is based on a distinction between three types of duties, of which the first two are *perfect*, while the third is *imperfect*. The first type of duties consists of obligations we have towards all other persons, such as the duty to respect their lives. These duties are both perfect and universal. Most of them are also fundamental in that they do not result from special relationship between individuals.. They are independent of any contract established between individuals or any other social arrangement.

The second type of duties are those that we owe not to all, but only to some persons. An example of such duties are parent's special obligations towards their own

children, including the duty to provide them with food, shelter or education. Since the recipients are specified, this type of duty is also perfect.

Finally, there are imperfect obligations, such the obligation to be kind or charitable. We do not have these duties towards anyone in particular, and we definitely do not have them towards everybody, since, for example, a requirement to help, everybody who is in need and asks for our help could prove overwhelming. It is up to each of us to determine when, how and towards whom we should perform these obligations. These duties are imperfect, because there are no specified recipients for them, and therefore no rights can be attached to them.

Correlative rights are easy to attach to perfect duties. In the case of the first kind of perfect duties the recipients are clearly specified. They are *all* other persons. In the case of the second case of perfect duties, even if the recipients are not all persons they are still well identified, since these obligations arise from specific relationships. The case of imperfect duties, however, is different, since the recipients cannot be specified, and therefore no rights can be designed to match these duties. It is in these situations that one might speak about moral duties without correlative moral rights. Many examples of such duties are to be found in our relationships with children, with people who are poor or ill. The duties to be kind or charitable are imperfect duties. A moral requirement to be kind towards everybody all the time would probably be considered too high a standard. However, kindness as such is a requirement, and it is the agent who has to decide when and to whom he or she must to be kind.

Moreover, one can point out to imperfect duties for which not only is the recipient unspecified, but when it probably would not make sense to talk about a

recipient at all. Such imperfect duties, having no correlative rights, include those towards animals, towards our cultural heritage or towards past and future generations.

These duties, though 'imperfect', can either be universal (duties towards any human being like the duty to be kind, or the duty not to exhaust natural resources) or special (duties we have towards some particular persons, because we stand in a certain relationship to them. For example, a special imperfect duty is the duty of parents to provide a happy environment for their children. It is imperfect, because the circumstances of performing this duty are up to the agent, and it is special because one has this duty only (or mainly) towards one's own children (and not towards all the children in the world) because of the special relationship parents and children stand in.

How, though, do duties of these various types relate to rights? Conceptually, to say that somebody has a right is to say that there is an duty to respect this right, and therefore that there is an agent who has this duty. By contrast, duties have meaning even if they are not directed towards a specified agent (as in the case of duties towards future generations, or cultural heritage). This difference derives from the following fact about human agency. An action performed by a human being is always performed by a definite agent or group of agents, but it is not always easy to specify *towards* whom an action is directed - i.e. how the consequences of a certain action will affect particular agents. This is why a right for which nobody can be identified as having the correlative duty would be a mockery of a right, while duties keep their moral weight even when they have no correlative rights attached. In, duties, in order to make sense, have to be connected to needs. The conclusion is that duties are basic elements of moral life, while only in the case of some duties can a right be constructed. Therefore,

rights have a derivative status: *'To look at rights is to look at what is ethically required indirectly by looking at what should be received'*. (O'Neill 1996, 204)

Through institutions, some imperfect obligations can be given corresponding rights and the recipients can be therefore identified (such as in the case of an established welfare system which identifies those towards whom we all should fulfill the imperfect duty of charity). However, this only draws attention to the fact that these rights are legal constructions:

'Fundamental imperfect obligations cannot be identified with any counterpart set of fundamental rights. Unless and until they are institutionalized these obligations have no allocated right-holders'.
(O'Neill, 1996, 199)

But not all imperfect obligations can be given correlative rights - for example the duty to be kind to people or even to one's friends - both because the recipient cannot be identified and because it is inappropriate to over-regulate certain sorts of relationships (like friendship or love).

The existence of imperfect duties which cannot be enforced through regulation makes care an essential element of moral life. In O'Neill's account care itself can be understood as an imperfect obligation:

'Imperfect obligations are traditionally thought to comprise matters such as help, care or consideration, and the development of talent, to whose specific enactment others have no right, but which agents are obliged to provide for some others in some form'. (O'Neill, 1996, 198)

I will argue that the role of care is more important than simply being one imperfect obligation among others. Care helps us identify, in particular situations, the recipients of our imperfect obligations. As a direct response to needs, care is the

mediator between needs, duties and rights. As has already been pointed out many needs - even the most universal ones - like the need for food or shelter - are expressed in culturally-specific ways, and assessing them correctly is therefore a question of interpretation. Both perfect duties and their correlative rights have the same characteristic as needs: their general expression is abstract, so that implementing them - and judging whether they are respected or not - requires interpretation. The right to privacy, for example, and the correlative duty not to violate privacy, are differently interpreted in various contexts because what counts as 'privacy' is a question of local cultural arrangements and sensitivities. The idea that the content of moral concepts is dependent on the cultural context is already familiar among moral theorists: '*... moral concepts change as social life changes... Moral concepts are embodied in and are partially constitutive of forms of social life*'. (MacIntyre, 1966, 1)

Here care is the disposition to use one's attention, sensitivity and good will in order to correctly assess the context, and therefore to give an adequate interpretation to needs and rights. This point will be developed in the section on care and justice.

Finally, an essential characteristic of imperfect duties is that it is up to the agent to decide the circumstances in which they should be performed. Translated in terms of care, in order to fulfill his or her imperfect duties, the agent has to be able to answer questions like: 'For whom do I care?' 'What aspect of this problem deserve more care?' and so on.

O'Neill's own account makes explicit the link between an understanding of human beings as needy and the importance of acknowledging and meeting those duties which cannot be imposed on us by means of legally enforceable rights:

'Human beings are [...] not merely distinct rational beings; they are also vulnerable and needy beings in the sense that their rationality and their mutual independence - the very basis of their agency - is incomplete, mutually vulnerable and socially produced. [...] A plurality of distinct rational beings who are also needy cannot therefore universally act on principles of mutual indifference'. (O'Neill, 1996, 199)

What is the relationship between needs, duties and rights? Some needs are easy to match with duties. This is mainly the case with needs I have called 'external' to life plans, such as those for food, shelter or basic education. Since all people need these goods, perfect duties and correlative rights responding to these needs can be easily constructed. The universality of external needs makes the corresponding rights easy to allocate because, in spite of cultural differences, all people have a vital requirement for food, shelter, medical care or education.

Sometimes, the relationship between 'internal' needs, and the respective duties and rights, is easy to establish as well. For example, a contract or a promise made between two persons generates unambiguous duties and rights. However, many needs can be put in relation only to imperfect duties, since they do not generate rights. Most of these needs are the ones I have called 'internal' to life plans'. Relationships between friends can provide the best examples here - but the same goes for some needs which are external to life plans.

In the case of imperfect duties, needs are more difficult to be allocated to precise individuals, but still it is clear that such individuals exist. For example, taking the case of a duty to preserve the cultural heritage, the reason for having such a duty is

grounded on the fact that, in order to develop a sense of identity, people need to rely on the achievements of previous generations, and in order to cultivate their creativity they need to rely on the rich ground of things that have already been created. One might argue that people whose culture has been destroyed can still develop life plans. However, these life plans are in a sense impoverished - they lack the guidance provided by a cultural tradition. At the limit, it is difficult to see how a life plan can be designed in the absence of *any* cultural heritage (if culture is seen as the sum of intellectual, material and technical acquirements of a community over time).

Even if, in this case, it would be anomalous to claim that a cultural tradition has a right to protection (since it would be improper to say that a painting or a book has a right to something), we can still recognise an obligation to preserve, or at least not to damage a tradition. This obligation derives from a moral duty towards our own past, which, in turn, derives from the need to keep and to understand our relationship to that past. Taking one step back, care would in this case consist in the ability to select what counts as cultural heritage and what doesn't, what precisely are the objects to which we attach a special significance and which carry cultural value i.e. what are the things we care for preserving and using as references. Without care, or the capacity to identify what is important from what is not, to make rankings and to attach values, the mere abstract principle that there is an obligation to preserve cultural heritage would be an empty one. When a need, and also the obligation to respond to it exists, but no right can be attached to it, deciding how to deal with this need is a matter of care, whether this occurs at the level of an individual responding to her friend or at the level of institutions dealing with the issue of cultural heritage.

Within the field of moral life, there are often situations in which we lack means to legislate. Moreover, even if we had these means, legislating on certain issues

would deprive them of their moral character, because it would destroy the possibility of choice and personal judgment. These are the types of issues contained in what we call 'lifestyles'. The existence and significance of this domain implies that rights and legal obligations cannot exhaust the moral sphere, which also contains needs and duties can. Care has a crucial part to play here, because it is the ability to identify concrete needs and the capacity to respond to them. If we think only in terms of rights, we shall not be able to provide a rich account of morality, because we shall neglect those needs and obligations that do not correspond to rights.

Approaching the question from the other end, one might ask how is it possible to have obligations towards a cultural heritage if we accept that cultural heritage cannot, as a matter of principle, be a right-holder. Equally, one might ask why we should accept the view that people have a duty to help their friends. Is our intuition, or is the general agreement on this issue, a strong enough reason to claim that we have such duties? Would we not do better to say that any obligation to preserve cultural heritage which doesn't correlate to a right is illusory? The argument I propose goes back to the conception of personal identity I pointed to at the beginning of this chapter. If we understand our identity as created through interaction with people and values then we, as grown-ups, have the duty to nurture other people, and to preserve and create the values that build up identity. This is the source of a general obligation to preserve the cultural heritage, or to be generous with friends.

In conclusion, if we identify the domain of justice with that area which is exhausted by rights and legal obligations, but we recognize the scope of morality as being wider than the scope of justice, it follows that care can operate in a wider moral field than justice. In other words, there are moral questions that cannot be judged in

terms of justice, but of which we can still give normative accounts in terms of care. Does my friend suffer an injustice if I tell her true, but unpleasant things she doesn't really need to hear (and which will not help her improve herself)? Probably not. But is she suffering any moral damage? Probably yes, since she would become even less able to find her way out of a situation that, say, disadvantage her. And probably, I am morally responsible if I hurt her in a gratuitous way, and I am on the wrong side myself, manifesting uncaring habits and dispositions.

So far I have analyzed the role of care in relations to needs, duties and rights. Now I shall argue that even when it comes to matters of justice, care has a role to play.

Care and justice

The approach I have adopted to the debate about the relation between justice and care eliminates the tension between them, because it makes implausible to argue that taking care can amount to doing something unjust. As before, I shall assume that rules of justice can be expressed in terms of rights (and, therefore, of perfect duties), and that imperfect duties lie for outside the scope of justice. Acting unjustly would then consist either in a misidentification of those human needs that constitute the moral basis of rights and legal obligations, or in an incapacity to resolve conflicts of needs or rights by giving priority to some over others. But, by definition, care is the ability to assess needs. In this sense, it is disposition which is essential to implementing rights, for the reasons developed below.

Are rights the other end of duties? I will argue that they are, but only in the legal, not in the moral sense. For a legal right to make sense, there both has to be a correlative moral duty, and, also, certain empirical conditions have to be fulfilled; in

other words, rights have a moral component, but they are not exhausted by this element. For example, one can argue that a certain society has a moral duty to provide its members with the necessary means of subsistence. But exactly with whom the obligation to provide will rest, and what exactly are those necessary means that enable subsistence, will depend on the general structure of that particular society. The expression of the individual's right to subsistence will therefore differ from case to case. For example, in a closed society that does not face immigration, and in which the church is the traditional provider of welfare, an individual will not be able to claim a right to welfare against the state. Also, the right to a minimum will differ, in its content, in a very rich society from a quite poor one. In the first case, the right to shelter might mean to have a room of one's own, while in the second case it might mean the right to share a room with other people. Or, to take another example, in a postindustrial society where one cannot survive properly without being literate, there is a stronger claim against the state to provide for literacy than in a traditional society where, say, most people earn their living by acquiring skills within the family they were born in. Some clarification is therefore required.

In order for this account to be persuasive, we have to accept that both internal and external needs are experienced in culturally-specific ways. To life plans have a cultural expression. Even if, at the most abstract level, one can find, universal needs - like the need to be intellectually active, or one's need to rely, in her life, on a number of personal habits - their concrete content of these needs differs from case to case. The need for intellectual development may be interpreted as the need to have access to the written culture of the last centuries of western tradition, or as the need to be an active part of an oral tradition of learning and creation. Moreover, even if most people have a psychological need to develop regularities and habits in their lives, these habits will

be highly different from a person to another. This is precisely the place where the moral relevance of care becomes obvious, care being that the ability to identify and provide for the real needs of real people.

Because it is the disposition to identify and respond to needs, care will enable us to travel back from a legal right (which is the most abstract expression of a universal need) to its implementation in a concrete context. Care is therefore the ability to give proper interpretations of abstract concepts like 'the right to x'. It is the ability to size up what we should value more in a given situation, and, therefore, is the ability to apply principles and negotiate among them, in the cases when several alternative principles apply and we have no algorithm that enables to resolve conflicts between them.

Thus conceived, the concept of care can mediate in the dispute between moral contextualists and moral universalists when it comes to the question of using principles. One side argues that morality should not be understood in terms of universal principles, whose existence is doubtful, while the other side points out that these principles exist and that moral reasoning is about sensibly negotiating between them and applying them in new contexts.

Not only moral concepts, but also moral and political principles are very abstract. In order to be implemented, they need interpretation, and in order to be able to interpret them, one needs a lot of practical knowledge about the situation to which the principles are supposed to be applied. Giving an interpretation to rules and principles is one of the main steps of moral life, without which these rules would not be able to guide action.

'The point made by Wittgenstein, Heidegger, Michael Polanyi and others is the by now familiar one that this process of articulation never comes to an end; it never exhausts so to speak the implicit understanding. Rules, however long and detailed do not apply to themselves. Norms and ideals always need fresh interpretation in new circumstances'. (Taylor, 1994, 29)

An example of the need to provide interpretation for moral and political principles can be offered by Rawls' principles of justice:

'First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be everyone's advantage, and (b) attached to positions and offices open to all'. (Rawls, 1972, 60)

In order to apply the two principles, the meaning of 'liberty', 'reasonably expected' and 'advantage' will need to be spelled out, and their interpretation might be different in different cultural contexts, depending on what a certain culture understands by 'freedom' or values as 'advantage'.

Chapter Three: Care and Virtue

1. Virtue and Justice

Introduction

In the second chapter I have argued that care is an essential element of practical reasoning and therefore has a role to play in applying the principles of justice, in ensuring that rights are properly implemented and that duties are properly met. Far from being at odds with justice, care is an important component of our capacity to interpret the requirements of justice in specific contexts. At the same time, I have argued that the scope of morality is wider than that of justice. This chapter will look at the way in which care, as a moral disposition, plays an active role in that part of morality which cannot be reduced to issues of justice and rights.

How is care related to virtue ethics? Is it one virtue among others, or is it a component of any, or most, virtues? My claim is that an argument can be made in favour of both understandings of care - as one virtue among others and as a disposition which is required if we are to make sense of the language of virtues in general.

I will start by looking again at the question of whether virtue and justice are two opposing ways of giving an account of the moral life, or whether they can be understood as complementing one other. Many contemporary writers on moral and political philosophy seem to consider them incompatible. However, attempts have been made to bridge the gap between justice and virtue, by proposing a more comprehensive conception of morality which can integrate both. One such attempt is

Onora O'Neill's argument, as developed in her book *Towards Justice and Virtue*. Following her, I will begin by arguing that one needs both the language of justice and that of virtue in order to account for moral life, and that care plays an important role in that part of morality which requires virtuous action. I shall then look at care as a moral disposition, arguing that there are many structural similarities between care and other virtues. Care can therefore be easily understood as a virtue in its own right. A further question will be whether care as a virtue is compatible with feminist values in general. In order to answer this question I will look at the relationship between virtue ethics and feminist values.

Duties and the Scope of Morality

The first important task for my account of the relation between care and virtue is therefore to argue that the scope of morality is indeed wider than the domain of justice. I will rely, in the following argument, on Onora O'Neill's account on the tension between contemporary philosophers of justice and their critics, the "friends of virtue"¹ and on her solution to this tension.

Contemporary authors writing on justice from a deontological perspective seem to take as a starting point the idea that personal autonomy and freedom are unquestionable values. The moral principles constituting the theory of justice are the result of the rational deliberation of autonomous individuals. The process of deliberation is designed in such a way that parties may not ground their arguments on their own substantive conceptions of good. Rather, moral principles are expected to emerge from the "thin" commitments of the participants: the commitment to personal autonomy, the recognition of the equal dignity and importance of each person's

interests, and the use of instrumental rationality applied to a representation of the world whose main relevant features (such as, for example, scarcity of resources) participants are supposed to know.

Let us focus on a more specific case, that of the Rawlsian theory of justice. In order to ensure that politics will be informed by justice, Rawls has to avoid arguments resting on any 'thick' conception of the good. Thus, he has to ascribe to the space of personal (as opposed to political) choice all accounts of the good life which lie beyond the domain of morality. This leaves no space at all, within political morality, for consideration of the old ethical question 'How should one live?', and therefore dismisses the language of virtues and vices. If liberty is indeed a fundamental value, *and an end in itself*, and not a mere instrument for acquiring personal fulfilment, self-realisation, or a good life, then it becomes unnecessary to evaluate certain ways of using one's freedom as better or worse than others. For example, an egoistic life would be as good or bad as an altruistic one (actually, they would both be morally neutral), and words such as courage and cowardice would have no place - at least within the political morality. From the viewpoint of the shared, 'thin' conception of morality, they may be reducible to the personal decisions of each individual about what it is in his or her interest to do at a certain point.

The main problem with this account is that it conflicts with a widespread sense of the proper *scope* of political morality. Rawlsian political morality is not sufficient. After all, the goal of having principles of justice is to allow each person to lead the life he or she considers best not only in terms of convenience, but also in a stronger evaluative sense (which would call into consideration issues such as ethical value, aesthetic value or sense of life). Freedom - as a political value - acquires its full

¹ The argument exposed here is to be found in her book *Towards Justice and Virtue*, but I will also rely

importance only if one knows what one values. Therefore, when the thick conceptions of good that inform individual's lifestyles and life plans are dismissed as irrelevant to political morality, the argument for freedom and autonomy loses much of its strength. In conclusion, apart from justice there are other political virtues which are important.

Does this mean that a deontological theory of justice, defined by fundamental rights and duties, is incompatible with virtue ethics? No. The grounding of such a theory is not to be found in the rationally reached consensus of the members of society (a consensus based on the negotiation of their actual or possible interests), but on an epistemic ground, such as a conception, however thin, of human nature. As I have pointed out in the previous chapter, Rawls' theory also works with certain assumptions about human nature. However, the reference to human nature is underdeveloped in Rawlsian theory, since he otherwise runs the risk of sliding into a 'thick' understanding of the good. A conception of justice which openly relies on a concept of human nature would be closer to those early-modern moral and political philosophies which refer to a Law of Nature whose prescription we have to follow. As O'Neill acknowledges in her book, such a conception gives space for an account in which justice and virtue (and, I will argue, care) are coherent aspects of a single moral outlook:

much early modern writing on justice and other virtues accommodates, or at least postpones, the intellectual crisis of modernity by seeking a surrogate or supplement for metaphysical and religious certainties in naturalistic conceptions of the human passions and human reason.

(O'Neill 1996, 31)

on her understanding of the relationship between duties, rights and morality as developed in

But such an ethical theory would raise the old question of the naturalistic fallacy, of the legitimacy of deriving 'ought claims' from 'is statements'. In the previous chapter I have argued, following MacIntyre's suggestion, that the traditional interpretation of the 'is/ought' gap is too harsh, and that, both logically and historically, it can be reinterpreted in a looser fashion. The reinterpretation focuses on the idea that, even if inference from most types of 'is-statements' to 'ought-statements' are deficient, there is, however, a certain type of 'is-statements' that can entail 'ought-statements'. These statements are those referring to the most general needs.

Here I claim that this way of grounding moral theory could eliminate most of the tension between theories of justice and theories of virtue, and care could be the key element bridging the two sub-domains of moral life: one that calls for an account in terms of justice and one which is better understood in terms of virtues. Care would be a necessary element of each, since it is, on the one hand, the disposition that provides the practical knowledge needed to interpret principles of justice in concrete situations and, on the other, the disposition that enables us to practice the virtues in contexts where principles referring to rights and legal obligations are inappropriate.

Virtue ethics encounters the common criticism that it doesn't have a sufficiently sound basis. As it is developed in Aristotle's philosophy, virtue ethics relies on a comprehensive view of the world which we no longer share. While many philosophers have found any ethic of an Aristotelian type inadequate because it relies on a metaphysical conception we are not ready to accept nowadays, some defenders of virtue ethics have argued that, in fact, the use of a concept of human nature can be disentangled from a comprehensive Aristotelian metaphysics:

The notion that human beings have something like a telos qua human can be separated from the thesis that everything in nature belongs to some class or other, whose behavior is explained by some Form or Idea. (Taylor 1994, 17)

In the previous chapter I have argued in favour of grounding morality on a thin conception of human nature, which recognises the universality of some needs and of the moral weight they carry. As we have seen, assessing these needs is, in the case of 'external' needs, not a metaphysical but an empirical question. In the case of 'internal' needs, (the needs that spring from an agent's life plan), the assessment has an evaluative component, but this component has to be considered by those who are involved with the life plan in question. It is, therefore, not what we normally regard as a metaphysical issue.

To argue for care as an essential element of moral life, we need to recognise the pre-eminent importance of duties over rights. If there are duties which we cannot match with rights, there is no legitimate way to force people to meet them. Such duties will only be met if people are willing to care for each other. In the area of morality that lies outside the scope of justice it is care, and not rights, that guides us in meeting our duties. A moral theory which gives priority to duties over rights can therefore accommodate both justice and virtue better than a rights-based theory. However, the question arises as to why one should meet imperfect duties if they cannot be legally enforced? In other words, what exactly prevents us from being moral free riders and limiting ourselves to meeting only those duties which have corresponding rights? Where does the compelling force of imperfect duties lie? To

answer this question one needs to take a closer look at the psychological link between imperfect duties and the meaning of one's life.

An interesting argument concerning the special role of duties in our lives is developed by Joseph Raz in his recent article on Value and Uniqueness². Here he argues that duties, unlike rights, are essential to the meaning of our lives. They contribute to our well-being by creating attachments:

...meaning comes with responsibility and through responsibility. By assuming duties we create attachments. Duties and special responsibilities, not rights, are the key to a meaningful life, and are inseparable from it. In denying our duties we deny the meaning of our life. (Raz, 2000)

Raz's argument about the importance of duties emphasises the special link between duties, meaning and identity. In principle, rights too can generate meaning insofar as they are a constitutive part of our identity. However, as a matter of fact, it is duties rather than rights which play a major role in creating identity and therefore meaning:

Rights too can have such an aspect. Some rights determine status: establish that one is a citizen, or just a member of a society, and so on. Consciousness of them may be important to our sense of who we are. Yet, unless the status brings with it duties, and therefore responsibilities, rights are less intimately engaged with our life. Our duties define our identities more profoundly than do our rights. They

² This article has not been published yet. It has been presented in Cambridge as a part of the Seeley Lectures 2000 and can be found on the net, at:
http://users.ox.ac.uk/%7eraz/Web_publishing/Value&Uniqueness/Val&Uniq.htm

are among the primary constituents of our attachments, among the fundamental contributors to meaning in our life. (Raz, 2000)

Why is it the case that duties, and not rights, have the capacity to build identity and create meaning? Raz's claim is that duties involve responsibilities, and therefore call for action and engagement from our side, while in relationship with rights we are rather passive recipients. This is to say that we may benefit from our rights without even being aware of them, while duties engage us with the world in a dynamic, active way³. It is through duties that we get linked to things we care for. By becoming committed to people, values or activities, we acquire duties towards them, and, the other way round, by meeting these duties, we stay in touch with those things we are fond of. Raz's argument is therefore psychological rather than logical.

Of course, the duties Raz refers to are only a *certain* type of duties. His account acknowledges that many duties - maybe most of them - arise from the objective values of things, and not from the subjective value they get through our attachments to them. An example of a duty derived from the objective value of things might be the duty to respect life, or not to kill. Such a duty is a universal one, and has no special relationship to anyone's individual history. By contrast, the duties that generate meaning are those we acquire through possessing a common history with other people, and are therefore closely related to our identity. They are not universal duties, but duties towards specific others (or towards ourselves). By living with others, by developing relationships with them and by investing time, energy and hope in these relationships we also acquire duties towards these others.

³ One may argue that Raz's argument is to some extent culturally bound. We relate to rights rather passively because we live in a world which largely acknowledges and respects rights. However, it is not difficult to imagine situations in which somebody's identity is defined rather by the commitment to gain a certain right - for example a slave fighting for liberty, or a human rights activist trying to implement certain group rights.

The duties we acquire through a shared history may sometimes be matched by corresponding rights. A promise between friends, for example, generates both duties and rights. But at least some of these duties do not have corresponding rights. Deciding to have children, or to interact with them constantly as a teacher or as a children's nurse, for example, generates some imperfect duties. Apart from the perfect duties one has towards children and which have as a counterpart children's rights, there are also a number of imperfect duties to be met. As Onora O'Neill puts it,

Those who do only what the children they interact with have a (universal or special) right to will do less than they ought. they will fulfil their perfect duties but not their imperfect obligations. In particular, parents or teachers who met only their perfect obligations would fail as parents or teachers. (O'Neill, 1989, 191)

The reason for meeting these duties comes therefore from the fact that they are constitutive for our identity and the meanings of our lives. Responding to them with virtuous action is a moral requirement because imperfect duties are part of the meaning of our life and therefore of our very moral identity. A person who decided to perform only the minimum in moral life, i.e. to restrict his or her actions to respecting other people's rights, would also give up most of their significant relationships with others. But since these relationships are crucial to who we are, such a decision would actually be a decision to become somebody else. This is not to claim that it is logically impossible to adopt a selfish identity. It is only to argue that, as a matter of psychology, the lack of any commitments to other individuals or groups makes one's life emotionally poor and even meaningless, and is, therefore, in most cases, an undesirable choice.

An account of ethics as defined by duties makes space for both justice (understood as a matter of rights) and for virtue in the following way. Those imperfect duties which cannot be matched by corresponding rights call for virtuous action. If they are to be met, people have to act generously, kindly, helpfully, courageously etc.

What is the place of care in this picture which integrates rights and virtues? On the one hand, care can most easily be understood as encompassing a certain type of virtue - namely those virtues which characterise our relationships with others, such as kindness, generosity, helpfulness and so on. On the other hand, care can be understood in a wider sense, as the ability to interpret what it means to act virtuously under particular circumstances. What counts as generosity or as courage varies a lot from one context to another, and, (as most virtue writers argue), there is no principle or algorithm for deciding *a priori* what a virtuous action is. There is, therefore, a similarity between interpreting rights and interpreting virtues in particular contexts. In both cases it takes attention, interest, sensitivity and good will - i.e. care in the epistemic sense - in order to provide a proper interpretation of what counts as respecting a right or as possessing or practising a virtue.

The question of which duties do generate matching rights, and which do not, and therefore demand virtuous behaviour, is far from easy to answer. This problem has been pointed out by Susan James. Assessing Onora O'Neill's account of justice and virtues, James writes:

The borderline between rights and other sorts of claims, and thus the question of what is a matter of justice and what a matter of virtue, is highly contingent and variable. To take a particular case, in societies where wives have no legal protection against marital rape, considerate

husbands exercises a required virtue, but where marital rape is an offence the same behaviour is required by right. (James 1998, 260)

If it turns out that issues which have traditionally been considered impossible to regulate can in fact be dealt with by the law, the question arises as to whether we shouldn't try to extend the sphere of rights instead of relying on virtuous action. One might argue that, in our society, more and more imperfect duties are becoming institutionalised so that matching rights are being generated. However, the idea that all moral issues can be mapped in terms of rights is implausible. First, it is difficult to imagine that one could, in principle, objectively assess matters which are highly private and complex such as those involved in close human relationships. The case of marital rape is an interesting example. Even if some legal systems recognise the right to be protected from it, this recognition is far from providing the solution to the moral issues regarding marital rape. In the case of a relationship between a husband and wife, it is much more difficult to say whether certain facts count as rape or not than it is in the case of strangers. Also, even if one could establish whether the rape has taken place, legal prosecution might not be the most desirable course of action, and legal procedures are much less likely to solve the problem than they are in situations involving strangers.

Second, even if it were possible to assess all such issues by regulating every aspect of these relationships, they would lose something of their moral value, since in many situations spontaneity, good intentions and the very fact that certain forms of behaviour are not enforceable count as moral gains in themselves.

If one accepts that at least some moral issues can only be framed in terms of virtue, the difficulty of setting the borderline does not alter the role that care has to play. No matter where the borderline between perfect and imperfect duties, and

therefore between justice and virtue lies, care is needed in order to properly assess our duties and the way in which we meet them. It is true that the borderline may vary from culture to culture. Going back to the case of marital rape, it makes sense to say that different social arrangements, as well as people's differing expectations, will determine different answers to the question. In some cases marital rape would constitute a legal offence while in others it may count only as non-virtuous behaviour.

The Universality of Virtues

Finally, this account of duties matched either by rights or by virtues, faces a fundamental problem of virtue ethics, namely the question whether an ethics which places virtue at its core can be conceived as universalist. Are virtues relative, (do particular virtues have moral weight only in particular communities), or are they universal?

Carrying on the argument developed in the second chapter where I argued that there are some universal human needs on which morality should be grounded, I shall now argue that virtues are universal. Even if their expression is culturally dependent, virtues are there to respond to needs. As I have argued, at least some of these needs - the 'external' ones - are universal. Unless they are met, people cannot develop specific life plans. Since not all these needs can be met through an institutionally designed system of rights and duties, virtuous conduct is needed. An obvious example is again the raising and education of children. In order for children to develop into harmonious, autonomous adults they require much more than the mere recognition and implementation of rights.

Some writers on virtue ethics have developed similar arguments in favour of the non-relative character of virtues. For example, following Aristotle's reasoning,

Martha Nussbaum argues in favour of a conception of virtue as non-relative. Her claim is that there are some spheres of human life which are the same in any society, and virtues inform each of these spheres. The aspects of human life which have to do with virtues are universal; in any culture and society there are some constant problems which people confront, such as their relationships with other people in both in the private and the public sphere, their relations with their own bodies and assets, or with death. These demand some sort of response, and while the response may be virtuous or not, it cannot entirely avoid the question of virtue:

The point is that everyone makes some choices and acts somehow or other in these spheres: if not properly, then improperly. Everyone has some attitude, and corresponding behaviour, towards her own death; her bodily appetites and their management; her property and its use; the distribution of social goods; telling the truth; being kind to others; cultivating a sense of play and delight, and so on. No matter where one lives one cannot escape these questions, so long as one is living a human life. (Nussbaum, 1993, 247)

These constant aspects of human life are call for some non-relative virtues. For example, dealing properly with one's death will be called courageous behaviour, and an improper distribution of one's goods when it comes to sharing them with others will be called lack of generosity even if, again, the content of what means to deal properly with something will vary from culture to culture. Nussbaum presents a list of these non-relative virtues, including courage, moderation, justice, generosity, hospitality, truthfulness and friendliness. My concern here will not be to analyse these virtues or to ask whether or not her list is exhaustive, but rather to point out that at

least *some* specific virtues can and should be present in any human life - i.e. that they are not relative to particular cultures.

The question is whether *all* virtues are non-relative or whether it would be more plausible to argue that there is a core of non-relative virtues (those related with aspects of human life which are constant) while some other virtues are specific to certain cultures and cannot be found - or can be found to a much lesser extent - in other cultures?

One might argue against Nussbaum that some needs are not universal but particular, so that meeting them through virtuous action is not a universal but a local requirement. These would be the needs which are internal to life plans, and which do not characterise all human beings. However, she might object that life plans nevertheless have many elements in common. They generally include achieving some social goals, so that virtues such as moderation or courage will be largely required. Again, for most people, having close relationships with others is an important element of their life plans, one which calls for generosity or friendliness as important virtues. It is true that there are cases where unique needs are developed as part of a life plan which is specific to an individual or a group. For example, in some societies the life plans of many people tend to have common elements which are specific to that culture, such as practising sports. A particular practice can characterise a certain community to a much larger extent than it characterises others. As a consequence, there will be cases in which a certain virtue - for example 'fair play' - may become a much stronger requirement in some communities than in others. The existence of such particular virtues does not undermine the case for universal virtues - as those identified by Nussbaums. It only makes space for recognising the existence of some culturally-dependent virtues.

How does virtue ethics, as it has been developed so far, relate to feminist ethics in general and, in particular, to the ethic of care? Feminists such as Susan Moller Okin have argued that feminist ethics is at odds with virtue ethics. In the next sub-chapter I will analyse the claim that virtue ethics does not meet feminist standards because it is gender-biased and is therefore incompatible with the view that all human beings should be treated with equal respect.

2. Care and Virtues

Care and Virtue Ethics

Several feminist writers have argued that virtue ethics as it has been formulated by its major theorists (Aristotle and, in the contemporary literature, Alisdair MacIntyre) is opposed to feminist values. I will explain the grounds on which feminists have criticised virtue ethics, before arguing that the supposed incompatibility between them is not a deep, structural one.

In her article *Feminism, Moral Development and the Virtues*, Susan Moller Okin summarises the tensions between virtue ethics (as it has so far been developed) and feminist values. Her main argument against virtue ethics is that it is characterised by androcentrism and elitism. The virtues praised by virtue ethics in its 'classical' form are either the values of an antiquity informed by masculine values such as heroism, or by the values of a Christian culture. Both traditions are considered to be oppressive to women. In the case of Aristotelianism, the virtues are openly presented as gender specific. Men and women are required to practice different virtues, in a

general scheme in which women are considered inferior to men, 'incomplete human beings'. In its turn, Christianity identifies certain virtues, such as chastity or humility which are important for women than for men, thereby creating a double standard. This double standard had the tendency to restrict women's liberty and to create a social system in which women's behaviour was easily controlled by men.

Equally, virtue ethics as theorised by Aristotle is also elitist. Virtues are specific to the social position people hold and the virtues of the upper class receive more recognition than those of the lower classes.

Moving on to MacIntyre's position, he understands virtue in the context of specific practices. Against him, Okin argues that most practices developed in different cultures until now marginalise women because those activities which have been traditionally regarded as feminine occupations do not receive the status of 'practice' and the dispositions required in order to perform them are therefore not recognised as virtues (or, at least, MacIntyre fails to recognise them as such).

However, the question is whether any form of virtue ethics is compatible with feminist values and, if so, what it might look like (i.e. which additional values it should recognise)? Okin's claim is that virtue ethics, even in its contemporary form, has until now focused on traditional values (either Greek or Christian) such as courage, justice, temperance or generosity, but has remained silent when it comes to the values which are at stake when people help each other:

Rarely do we find, in the lists of 'the virtues', the kinds of virtues that one needs in order to help others - whether children, the old, the ill or disabled, or merely those who are too preoccupied with their own concerns to take care of their daily needs or those of their children. (Susan Moller Okin, 1996, 227)

As I pointed above, at least one form of virtue ethics, the Christian one, has recognised some feminine virtues. The problem with this tradition is that the feminine virtues it recognises are not equally required of *all* human beings, but mostly of women. The result is an extra-burden on women's shoulders; actions which are supererogatory for men are required of them as when it is argued that a woman should *always* put her family's interests before her own).

However, Okin does not conclude that virtue ethics is, in principle, opposed to feminist ethics. Rather, she regards as a shortcoming of virtue ethics the over-emphasis on 'masculine' values' and the omission of those values that characterise women's lives. She ends her account by suggesting how virtue ethics could cease being at odds with feminist values. Her proposal is to expand to the classical list of virtues by adding those which have been traditionally considered "feminine virtues".

These additional virtues are those needed in order to help and nurture others:

What should such virtues be ? At the forefront of them come the capacity to nurture, patience, the ability to listen carefully and to teach well (sometimes mundane things), and the readiness to give up or postpone one's projects in order to pay attention the needs or projects of others. (Susan Moller Okin, 1996, 228)

The virtues suggested by Okin are very close to the qualities to which care writers are pointing when they are arguing for the moral value of care. One might say therefore that there is already a growing literature analysing virtues of this kind. Even if this literature is not considered part of virtue ethics, but is regarded as belonging to care ethics, a bridge between the two approaches can be easily constructed. What Sara Ruddick praises as the core of maternal thinking, the concept of trust as it is developed by Annette Baier, or Marilyn Friedman's understanding of friendship and

its contribution to moral growth; have many structural resemblances to virtues as they are portrayed within contemporary virtue theory. The next sub-chapters will look at the similarities between virtues, and the moral dispositions we generally subsume under care.

Care as a Virtue

If one looks at how care has been so far theorised, one can easily discern structural similarities between virtues and care. First of all, care is, like other virtues such as generosity, moderation or hospitality, a disposition. As a disposition, it cannot be captured by a sum of principles but has to be acquired through practice. Care can be learned only through example and practice, which itself involves interaction with, and trust in others - whether parents, teachers or friends. Moreover, care can be understood as a central virtue because it is a condition of moral education. The disposition to act virtuously needs to be taught, and in the case of most virtues this process of training involves close interaction with other people. It takes good will and care to nurture and educate others to be courageous, or generous or truthful.

Because it is a disposition, care is supposed to be a characteristic one can acquire, in the same way in which one can learn to be courageous or truthful. This aspect of care - the fact that one can *learn* how to be careful - is very important to an account of care which is consistent with an ethics of rights and duties. An ethics which is centred on rights and duties makes the assumption that love and caring are scarce resources in any society, so that morality cannot depend on them. Rights and duties have to be acknowledged if we are to make sure that the requirements of morality are met. Moral life cannot be left to depend entirely on love and care; partly

because they may not be available, and partly because, in a whole range of situations, they can introduce a bias which would go against the requirements of justice.

The ethic of care should not, of course, deny the obvious fact that care is not always available, nor that there is no way of enforcing care when feelings like love, friendship or at least sympathy are absent. However, it works with the assumption that these feelings can to a certain extent be learned, that care can be fostered if the practices in which it is formed are granted social recognition. Positive feelings towards others, as well as the ability to respond with care can be inculcated.

Maybe the most obvious way of pointing out the similarity between care and other virtues is by looking at care in relation to community. In order to make these similarities explicit I turn to Lawrence Blum's analysis of the relationship between community and virtue.

Care and Community

Most of Lawrence Blum's analysis of the relationship between community and the virtues also applies to the relationship between community and care, even if Blum himself does not include care among the virtues.

The first link between virtue and community is that only within a given community can virtues be learned. Since they are dispositions which cannot be captured by rules, virtues have to be learned through practice, from other individuals. This characteristic applies to care as well. Taking care of a child, or of an old person, or being in a care relationship between people who are equally needy - like friendship - is not something that can be acquired through reflection or from books, but has to be learned through human interaction in particular forms of social life.

Secondly, as in the case of other virtues, care practices require communities in order to be sustained. One needs to be in significant relationships with others not only in order to become aware of what virtuous conduct is, but also to carry on practising virtues. It is from the important ties we have with others that moral strength derives (i.e. the capacity of doing what one knows one ought to do). This second point presupposes the first, but is a stronger claim than the first one. As Blum puts it, not only the *original source and formation of virtues lies in communities, but also virtues cannot be sustained solely through individual effort, and in the absence of social support*. (Blum, 1996, 233). As in the case of other virtues, caring behaviour requires not only skill and good will, but also a certain degree of moral strength. Both the knowledge, and the motivation for being caring, generally come from having fulfilling relationships with those people with whom we build a common history.

A third link between community and virtue which Blum identifies, and which equally applies to care, is that virtues are agency-constituting. That is to say, our moral identity is to a large extent defined by the communities in which we grow up and we lead our lives. These communities, are in turn defined by their common goals and conceptions of the good life, and thus by the virtues one has to possess in order to be accepted as a member of that community. As a member of the Spartan community one would feel required to be courageous and austere to a higher degree than as a member of the Athenian community. A member of an international chess-players associations might identify herself with the ability to think strategically to a larger extent than a member of an association of artists. Both feminists and non-feminists have often noted women's tendency to identify themselves with their social roles as daughters, mothers or wives, and all these roles have care as a key characteristic. More generally, most people's identity is to a certain extent defined by relationships

based on care, such as friendships or family relationships. In this respect, care can be said to be a more universal virtue than courage or strategic thinking.

Another link between community and virtue is its content-providing feature, which means that *forms of communal life fill in the detailed prescriptions that turn abstract principles into a lived morality*. (Blum, 1996, 233). As we saw above, virtuous behaviour can never be fully prescribed by an abstract principle. In order to make sense, moral principles need interpretation, and this interpretation is a function of a particular set of values to which a particular community is committed. What it means to honour one's parents (an example used both by MacIntyre and Blum) will vary between different societies. In this respect, the role of care in virtue ethics is double. On the one hand, care as a virtue acquires its content within a particular community which nurtures particular practices. Taking care of somebody and meeting one's needs is - as we saw in the previous chapter - culturally dependent. In other words, what counts as a virtuous, careful attitude depends on what counts as a need. On the other hand, care has an epistemic role. In order to assess a particular form of behaviour as virtuous, one needs to carefully assess the context, to identify what counts as valuable and what does not (for example, what it means to honour one's parents in a certain situation).

The last link between community and virtue discussed by Blum is that a community needs the practice of virtue in order to be sustained. Virtues in general are essential for the survival of any community in the sense that *some virtues - such as trust, civility, tolerance - are particularly well-suited to sustaining communal life in general*. (Blum, 1996, 234). At this point the functional similarity between care and other virtues is most obvious. Care sustains communal life both at the level of the private sphere and at the level of the public one.

Even at the beginning of the care debate, care writers emphasised the role of care in the moral development of children. We saw that Sara Ruddick, for example, focuses on the role of mothering in fostering values such as moral and emotional growth. Through care, mothers teach their children the values of self-preservation, moral flourishing and social acceptability. Extending the role of care beyond the moral growth of children, Marilyn Friedman's account shows how friendship contributes to our moral development by helping us to grasp and practice new moral values. Through friendships, care provides the basis of moral development and, implicitly, of practising virtues in general.

Moving to the sphere of public life, care provides for communities by creating trust among its citizens. Trust is an essential element in sustaining communal life because it is a precondition of working institutions.

Finally, an argument has been made that care is a necessary component of harmonious moral development and that it is therefore instrumental to the formation of good citizens. For example, Virginia Held argues that raising children is not only a reproductive, but also a productive activity. Through mothering, new *persons* are created, who will be able, once they reach maturity, to fully participate in the life of the community. Along the same line comes Susan James' argument about the importance of caring human relationships. She argues that one should regard the ethical ideal of (physical, economic and emotional) independence not as a descriptive but as a normative device. A degree of independence is necessary for exercising the role of citizenship that feminists, as well as liberals, cherish. Moreover, she argues that independence in the political sphere is not incompatible with, or opposed to, dependence on friends and family. On the contrary, the two are complementary, as long as only harmonious emotional relationships can guarantee the self-confidence

which is the very precondition of independence as self-expression. Care is therefore necessary not only for achieving moral development but also for sustaining moral citizens, and therefore for sustaining the communities in which they live (James 1992).

Conclusion

This paper has argued that, far from being at odds with justice, care is an essential element of moral reasoning. Authors concerned with developing a theory of justice have concentrated their efforts on finding the proper procedures that would enable us to determine the principles of justice. But, in order to follow the rules that inform both political morality and moral life within the private sphere, one has to be able to interpret these rules, as well as the concepts they refer to. For example in order to implement the right to education in a given society, one needs to be familiar with the structure of that society, with expectations of adults, with its resources, and with its general priorities. Care, I have argued, can be understood in a wider sense than that which has so far been proposed, as the ability to assess these circumstances, and to decide what is involved in implementing a right or following a rule. Understood like this, care involves both an epistemic element of tacit knowledge, and a willingness to ensure that the abstract requirements of morality find adequate concrete expression.

Apart from enabling us to interpret rights and other rules care is, I have argued, essential when it comes to that domain of morality which cannot be conceptualised in terms of rights. Some imperfect duties cannot be institutionalised, which is to say that they cannot be ascribed matching rights. When these duties are at stake, people have to decide for themselves in what circumstances they will meet them. In many situations, it is entirely up to us when, towards whom, and how we meet such duties, as the duties to be kind, patient or generous. In these cases care will be the element that will ensure that we are willing, in the first place, to take on these obligations.

The moral experience one needs in order to meet both perfect and imperfect duties derives, I have argued, from the significant relationships we have with others (parents, teachers and friends) throughout our life. The web of these significant relationships is probably the best medium in which moral education can take place. This education is acquired by example, and involves trust and patience. Care is the element that ensures the presence of these conditions and creates the conditions in which moral experience will be passed on from one generation to the next.

My claim has been that care is the most direct, immediate response to needs. I have also argued that needs can be understood as the basis of morality, because they provide a conception of human nature on which a truth-based understanding of morality can be constructed. It was not my aim to provide a list of universal human needs here, even if I have constantly referred to the most obvious ones, such as the need for food, shelter, security, education or emotional support.

Finally, I have attempted to point out to the most obvious similarities between care and other moral dispositions which are generally referred to as virtues. I think that the moral relevance of care can be fully understood only within an ethical theory which integrates justice and virtue, by recognising that the scope of morality cannot be reduced to any of these elements alone.

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